

BILL

No. 121

An Act respecting the Management and Protection of the Environment, repealing *The Clean Air Act*, *The Environmental Management and Protection Act, 2002*, *The Litter Control Act* and *The State of the Environment Report Act* and making consequential amendments to certain Acts

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ENVIRONMENTAL MANAGEMENT AND PROTECTION

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(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1

Short title and Interpretation

Short title

1 This Act may be cited as *The Environmental Management and Protection Act, 2009*.

Interpretation

2(1) In this Act:

- (a) **“accepted environmental protection plan”** means an environmental protection plan that is accepted by the minister pursuant to section 27;
- (b) **“adverse effect”** means impairment of or damage to the environment or harm to human health, caused by any chemical, physical or biological alteration or any combination of any chemical, physical or biological alterations;
- (c) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (d) **“code”** means the code adopted by the Lieutenant Governor in Council in the regulations;
- (e) **“corrective action plan”** means a plan that details the methods employed to prevent, minimize, mitigate, remedy or reclaim adverse effects;
- (f) **“deputy environment officer”** means a person appointed pursuant to section 75;
- (g) **“discharge”** means a discharge, drainage, deposit, release or emission into the environment;
- (h) **“environment”** means:
 - (i) air and the layers of the atmosphere;
 - (ii) land, including soil, subsoil, sediments, consolidated surficial deposits and rock;
 - (iii) water;
 - (iv) organic and inorganic matter and living organisms; and
 - (v) the interacting natural systems and ecological and climatic interrelationships that include the components mentioned in subclauses (i) to (iv);

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- (i) **“environment officer”** means an environment officer appointed pursuant to section 74, and includes a deputy environment officer, a member of the Royal Canadian Mounted Police or a member of a police service as defined in *The Police Act, 1990*;
- (j) **“environmental protection order”** means an environmental protection order issued pursuant to section 56 and includes a replacement of that order, and any amendments or alterations to that order, made pursuant to section 58;
- (k) **“environmental protection plan”** means a conceptual plan that details the methods to be employed to prevent, minimize, monitor, mitigate, remedy or reclaim an adverse effect before, during or after any activity;
- (l) **“environmentally impacted site”** means an area of land or water that contains a substance that may cause or is causing an adverse effect;
- (m) **“government agency”** means:
- (i) a ministry of the Government of Saskatchewan;
 - (ii) a corporation that is an agent of the Crown in right of Saskatchewan; or
 - (iii) any corporation, commission, board or other body whose members are appointed by:
 - (A) an Act;
 - (B) the Lieutenant Governor in Council;
 - (C) a member of the Executive Council; or
 - (D) any combination of an Act and one or more of the persons mentioned in paragraphs (B) and (C);
- (n) **“ground water”** means water beneath the surface of land;
- (o) **“halocarbon”** means any substance having a chemical structure composed of any combination of:
- (i) carbon;
 - (ii) sometimes hydrogen; and
 - (iii) a halogen;
- (p) **“hazardous substance”** means a substance that is prescribed or is set out in the code;
- (q) **“hazardous waste”** means a waste that is prescribed or is set out in the code;
- (r) **“industrial waste”** means any waste that:
- (i) is generated by any process of industry, manufacturing, trade or business or by the development of a natural resource; and
 - (ii) is prescribed or is set out in the code;
- and includes seepage, rainwater or storm water that enters industrial waste works;
- (s) **“industrial waste works”** means any works for the collection, containment, storage, transmission, treatment or disposal of industrial waste;

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- (t) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (u) **“ministry”** means the ministry over which the minister presides;
- (v) **“notice of site condition”** means a notice of site condition filed in the registry pursuant to section 18;
- (w) **“occupant”** means a person or tenant, other than the owner, who is in actual possession of land;
- (x) **“owner”**, with respect to land, means:
- (i) the registered owner of the land as defined in *The Land Titles Act, 2000*; or
 - (ii) a purchaser of the land pursuant to an agreement for sale who has registered an interest based on the agreement for sale against the title to that land pursuant to *The Land Titles Act, 2000*;
- (y) **“permit”** means a permit issued pursuant to this Act or the regulations and includes a permit continued as a permit issued pursuant to this Act;
- (z) **“person responsible”** means a person described in section 12;
- (aa) **“prescribed”** means prescribed in the regulations;
- (bb) **“qualified person”** means:
- (i) a member of a class of persons that is prescribed or is set out in the code; or
 - (ii) an individual designated by the minister for one or more purposes or activities that are governed by this Act;
- (cc) **“registry”** means the environmentally impacted sites registry established pursuant to section 22;
- (dd) **“sewage”** means any liquid waste of domestic, commercial or industrial origin containing animal, vegetable or mineral matter in suspension or solution and includes rainwater or storm water that enters any sewage works;
- (ee) **“sewage works”** means any works that:
- (i) are designed for the collection, storage, transmission, treatment or disposal of any sewage; and
 - (ii) are designated in the regulations or in the code;
- (ff) **“sewage works protection order”** means a sewage works protection order issued pursuant to section 35 and includes a replacement of that order and any amendments or alterations to that order made pursuant to section 37;
- (gg) **“site assessment”** means any activity to determine the cause, nature or extent of a potential or existing adverse effect that satisfies any prescribed requirements or any requirements set out in the code;
- (hh) **“storm water”** means rainwater or water resulting from the melting of snow or ice;

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- (ii) **“substance”** means any solid, liquid, particulate or gas that:
- (i) is capable of becoming dispersed in or discharged into the environment; or
 - (ii) is capable of becoming transformed in the environment into matter described in subclause (i);
- (jj) **“surface water”** means water that is above the surface of land and in a river, stream, lake, creek, spring, ravine, coulee, canyon, lagoon, swamp, marsh or other watercourse or water body, whether the water is there permanently or intermittently;
- (kk) **“terrorist activity”** means a terrorist activity as defined in the *Criminal Code*;
- (ll) **“waste”** means a solid or liquid that is one or more of the following:
- (i) rubbish;
 - (ii) tailings;
 - (iii) effluent;
 - (iv) sewage;
 - (v) garbage;
 - (vi) refuse;
 - (vii) scrap;
 - (viii) discarded articles, bottles or cans;
 - (ix) any other material that is prescribed or is set out in the code;
- (mm) **“waste dangerous good”** means a waste dangerous good that is prescribed or is specified in the code;
- (nn) **“waste minimization”** means any activity, process or measure undertaken for the purpose of reducing, reusing, recycling or recovering waste;
- (oo) **“water”** means surface water, ground water or drinking water;
- (pp) **“waterworks”** means any works that:
- (i) are designed to supply, collect, treat, store or distribute water that is intended or actually used for human consumption or hygiene, regardless of whether any other uses have been made of that water; and
 - (ii) are designated in the regulations or in the code;
- (qq) **“waterworks protection order”** means a waterworks protection order issued pursuant to section 35 and includes a replacement of that order and any amendments or alterations to that order made pursuant to section 37.
- (2) For the purposes of this Act, exceeding any permissible limit, standard, criteria or condition that is prescribed or that is set out in the code is deemed to cause an adverse effect.

PART II

**Minister's Responsibilities and Powers and
the State of the Environment Report**

DIVISION 1

Minister's Responsibilities and Powers

Responsibilities and powers of minister re the environment

3(1) The minister is responsible for all matters not by law assigned to any other minister or government agency relating to the environment and for enhancing and protecting the quality of the environment.

(2) For the purposes of carrying out the minister's responsibilities, the minister may:

(a) create, develop, adopt, co-ordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting the management, protection and use of the environment;

(b) sponsor, undertake and co-ordinate planning, research and investigations respecting the environment;

(c) establish a system of monitoring the quality of the environment and collect, process, correlate, store and publish data on:

(i) the quality of the environment; and

(ii) activities that have or may have an adverse effect, including discharges and waste management;

(d) install, operate or maintain or cause to be installed, operated or maintained devices or other measures to obtain, secure or cause to be secured chemical and other analyses of the environment and activities that have or may have an adverse effect, including discharges and waste management;

(e) make or cause to be made any investigation that the minister considers necessary with respect to a discharge or the presence of any substance that may cause or is causing an adverse effect, including an investigation respecting:

(i) the source and extent of the discharge or presence of the substance;

(ii) the effect of the discharge or presence of the substance on the environment; and

(iii) any advisable corrective action;

(f) consult with any person, any government agency or any other government about any matter governed by this Act;

(g) provide information to the public on:

(i) the quality and use of the environment;

(ii) the quantity of any substances or things in the environment; and

(iii) any activity that has an adverse effect;

(h) inquire into or hold, or appoint a person to conduct, public hearings or inquiries respecting:

(i) the management, protection or use of the environment; and

(ii) any economic, social or other effects relevant to the environment;

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- (i) manage, administer and promote the conservation, and economical and efficient use, of drinking water in Saskatchewan;
 - (j) approve or accept any laboratory or any analytical procedure that meets the criteria that are prescribed or are set out in the code;
 - (k) exercise any of the minister's powers set out in this Act with respect to any mineral exploration and mineral and industrial construction and development activities that may cause or are causing an adverse effect;
 - (l) develop or establish standards or requirements respecting any matter governed by this Act;
 - (m) designate individuals or classes of individuals who are qualified persons and impose terms and conditions that the minister considers appropriate on those designations;
 - (n) do any other thing that the minister considers appropriate to carrying out the minister's responsibilities or to exercising the minister's powers pursuant to this Act and the regulations.
- (3) The minister shall recommend to the Lieutenant Governor in Council the adoption of a code.
- (4) The minister shall cause notice of any standards or requirements that are developed or established pursuant to clause (2)(l) and that are set out in the code, and of any amendments to those standards and requirements, to:
- (a) be published in the Gazette; and
 - (b) be made public in any other manner that the minister considers appropriate.
- (5) Notwithstanding any other provision of this Act, the regulations or the code, at the request of a person proposing to engage in an activity governed by this Act, the minister may approve criteria, terms, conditions or requirements submitted by that person as alternatives to those set out in the code if the minister is satisfied that:
- (a) those alternative criteria, terms, conditions or requirements provide an equivalent or better level of safety or protection to human health and the environment; and
 - (b) it is in the public interest to do so.
- (6) Notwithstanding any other provision of this Act, the regulations or the code, a person may comply with the alternative criteria, terms, conditions or requirements approved by the minister pursuant to subsection (5) instead of the criteria, terms, conditions or requirements set out in the code.
- (7) For the purposes of an inquiry or hearing held or conducted pursuant to clause (2)(h), the minister or the person appointed to conduct the inquiry or hearing has the powers of a commissioner pursuant to *The Public Inquiries Act*.
- (8) Subject to the approval of the Lieutenant Governor in Council, for the purposes of furthering, undertaking and enforcing the minister's activities and responsibilities pursuant to this Act, the minister may enter into agreements on behalf of the Government of Saskatchewan with:
- (a) the Government of Canada;
 - (b) a government agency;

- (c) the government of any other province or territory of Canada;
- (d) the government of any other country, any state or division of that country or any minister, agent or official of that government; or
- (e) any person, agency, board, commission, organization, institution or body.

Advisory committee

- 4(1) In this section, “**committee**” means the Saskatchewan Environmental Code Advisory Committee established pursuant to subsection (2).
- (2) The Saskatchewan Environmental Code Advisory Committee is established.
 - (3) The committee consists of the minister and not more than 11 other members appointed by the Lieutenant Governor in Council.
 - (4) A member appointed in accordance with subsection (3):
 - (a) holds office at pleasure for a period not exceeding three years and, notwithstanding the expiry of his or her term, continues to hold office until his or her successor is appointed; and
 - (b) is eligible for reappointment.
 - (5) If a member appointed pursuant to subsection (3) dies or resigns, the person ceases to be a member on the date of death or on the day on which the resignation is received by the committee, as the case may be.
 - (6) If the office of a member appointed pursuant to subsection (3) becomes vacant, the Lieutenant Governor in Council may:
 - (a) appoint a person for the remainder of the term of the person who vacated the office; or
 - (b) appoint a person for the term mentioned in subsection (4).
 - (7) No member of the committee other than the minister or a member of the committee who is also a member of the public service shall hold office for more than two consecutive terms.
 - (8) The committee shall meet at the request of the minister.
 - (9) The minister is the chairperson of the committee.
 - (10) The committee shall advise the minister on:
 - (a) the contents of the code; and
 - (b) any other matter related to the code determined by the minister.
 - (11) Members of the committee other than the minister are entitled to the following:
 - (a) except for those members of the committee who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the Lieutenant Governor in Council; and
 - (b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved by the Lieutenant Governor in Council for members of the public service.
 - (12) The minister shall provide any technical, clerical and other assistance that the committee may require and that the minister considers reasonable.

DIVISION 2

State of the Environment Report**Preparation of report**

5(1) In this Division, “**report**” means the State of the Environment Report prepared in accordance with this section.

(2) The minister shall ensure that a report is prepared every two years, to be known as the State of the Environment Report, concerning the current condition of the environment in Saskatchewan and the relationships between the condition of the environment and the economy of Saskatchewan.

(3) The minister may use any environmental indicators that the minister considers relevant in the preparation of a report.

(4) The report must:

(a) present baseline information on the environmental indicators mentioned in subsection (3);

(b) present the relationships between the condition of the environment and the economy of Saskatchewan;

(c) identify, and present analyses, respecting how the environment is changing; and

(d) identify emerging concerns for the environment.

Presenting of report

6 In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly every report prepared pursuant to this Division.

Report of the state of provincial forests

7 Notwithstanding any other provision of this Act, if a report on the state of provincial forests is prepared and laid before the Assembly pursuant to section 9 of *The Forest Resources Management Act*, that report is to serve as the State of the Environment Report and is deemed to have been prepared and laid before the Assembly in accordance with this Act.

PART III

Unauthorized Discharges and Environmentally Impacted Sites

DIVISION 1

Unauthorized Discharges and Obligation to Report**Prohibition on discharges**

8(1) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that may cause or is causing an adverse effect unless otherwise expressly authorized pursuant to:

(a) this Act or the regulations;

(b) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;

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- (c) any approval, permit, licence or order issued or made pursuant to:
 - (i) this Act or the regulations; or
 - (ii) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
 - (d) the code; or
 - (e) an accepted environmental protection plan.
- (2) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that is in excess of that expressly authorized by an Act, an Act of the Parliament of Canada, an approval, a permit, a licence, an order, the code, an accepted environmental protection plan or any regulations mentioned in subsection (1).

Duty to report

9(1) Every person who, in contravention of section 8, discharges or allows the discharge of a substance into the environment that may cause or is causing an adverse effect shall report the discharge in accordance with any prescribed requirements or any requirements set out in the code.

(2) Every person who owns or occupies land on which a substance is discovered that may cause or is causing an adverse effect shall report the discovery in accordance with any prescribed requirements or any requirements set out in the code.

(3) Every person who, while conducting work, discovers a substance that may cause or is causing an adverse effect shall report the discovery in accordance with any prescribed requirements or any requirements set out in the code.

(4) A police officer or employee of a municipality or government agency who is informed of or who investigates a discharge or discovery of a substance that may cause or is causing an adverse effect shall report the discharge or discovery in accordance with any prescribed requirements or any requirements set out in the code.

(5) Subsection (4) does not apply if the police officer or employee has reasonable grounds to believe that the discharge or discovery has been reported by another person.

Duty to take immediate action

10 A person mentioned in subsection 9(1) and any person who owns or occupies land respecting which a report is filed in accordance with subsections 9(2) to (4) shall, as soon as possible, take all reasonable emergency measures consistent with public safety:

- (a) to repair or remedy any undue risk; or
- (b) to reduce or mitigate danger to life, health, property or the environment that results or that may reasonably be expected to result from the discharge of the substance.

Power of minister to require report on environmentally impacted sites

11 The minister may issue a written direction to a person who owns or occupies land requiring that person to provide the minister with a report that:

- (a) satisfies any prescribed requirements or any requirements set out in the code; and

- (b) discloses:
 - (i) all sites owned or occupied by that person that contain or may contain a substance that may cause or is causing an adverse effect;
 - (ii) all sites owned or occupied by that person that contain or may contain a particular type of substance that:
 - (A) may cause or is causing an adverse effect; and
 - (B) is specified in the written direction; or
 - (iii) all sites owned or occupied by that person in particular locations that:
 - (A) contain or may contain a substance that may cause or is causing an adverse effect; and
 - (B) are specified in the written direction.

DIVISION 2

Persons Responsible

Persons responsible

12(1) In this section, “**substance**” means a substance that may cause or is causing an adverse effect.

(2) Subject to subsections (3) to (5), the following persons are persons responsible for the purpose of this Act:

- (a) every person who caused or contributed to the discharge or the presence of the substance;
- (b) every person who had possession, charge, management or control of a substance whose actions or omissions caused or contributed to the discharge or the presence of the substance;
- (c) every owner or occupant of land on which a substance is discharged if the discharge occurs in consequence of the acts or omissions of:
 - (i) the owner;
 - (ii) the occupant; or
 - (iii) any person on the property with consent of the owner or occupant or the consent of the person in lawful possession of the property;
- (d) every owner or occupant of land subsequent to the owner or occupant described in clause (c);
- (e) if the discharge of a substance occurs in the course of transporting the substance, the person transporting that substance;
- (f) every owner of a substance in prescribed circumstances;
- (g) every director of a corporation:
 - (i) who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that resulted in the discharge or the presence of a substance; or
 - (ii) who, after the coming into force of this section, authorized a dividend or distribution at a time when the director knew or should have known the dividend or distribution impaired or could reasonably be expected to have impaired the ability of the corporation to prevent, mitigate, remedy or reclaim adverse effects on land owned or occupied by the corporation;

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- (h) every person who has agreed by contract:
 - (i) to be liable for the discharge or presence of the substance; or
 - (ii) to mitigate, remedy or reclaim adverse effects caused or contributed to by the discharge or presence of the substance;
 - (i) every person to whom responsibility for an environmentally impacted site has been transferred in accordance with section 19.
- (3) Subject to subsection (4), the following persons are not persons responsible in the following circumstances:
- (a) a municipality with respect to land shown on its tax arrears list prepared pursuant to *The Tax Enforcement Act*, unless, after the date on which the municipality is entitled to take possession of the land or becomes the owner of the land, the municipality aggravates an existing adverse effect or discharges a new or additional substance into the environment that:
 - (i) may cause or is causing an adverse effect; or
 - (ii) aggravates the adverse effect of the previous discharge of a substance on that land;
 - (b) a secured creditor of a person mentioned in subsection (2), unless the secured creditor would otherwise qualify as a person responsible in consequence of satisfying any requirement set out in subsection (2);
 - (c) a person who provides advice or assistance regarding the handling of a substance or the work of remedying the land and who exercised due diligence in providing advice or assistance, unless that person:
 - (i) discharges a new substance or an additional amount of the substance; or
 - (ii) aggravates an existing adverse effect;
 - (d) a person:
 - (i) who is or was an owner or occupant of land on which a substance was discharged before that person became the owner or occupant; and
 - (ii) who could not reasonably have been expected to know about or discover the existence of a substance at the time the person became the owner or occupant;
 - (e) a person who is or was an owner or occupant of land on which a substance was discharged before that person became the owner or occupant if a notice of site condition was filed with respect to the site;
 - (f) an owner of land for which surface rights have been acquired pursuant to *The Surface Rights Acquisition and Compensation Act* with respect to the activities for which the surface rights were acquired.
- (4) Clause (3)(e) applies:
- (a) if the owner or occupant has not aggravated an existing adverse effect and has not discharged a new substance or an additional amount of a substance into the environment; and
 - (b) only to the extent of the relief granted pursuant to section 20 by the notice of site condition and subject to any conditions or restrictions set out in the notice of site condition or this Act.

(5) A person who undertakes an activity on land on which a notice of site condition has been filed in the registry is a person responsible if that activity aggravates an existing adverse effect, but only with respect to the additional adverse effect.

DIVISION 3

Site Assessment

Site assessment

13(1) The minister may require a person who is or may be a person responsible to conduct a site assessment if the minister reasonably believes that a site may be an environmentally impacted site.

(2) If the person responsible mentioned in subsection (1) does not own or occupy the land on which a site assessment is to be conducted, the person shall obtain the consent from the owner and occupant of the land to enter on the property and to engage in the activity necessary to conduct the site assessment.

(3) If the owner or occupant of land does not consent, the person responsible who is required to conduct the assessment in accordance with subsection (1) may request the minister's assistance in obtaining access to the site.

(4) If the minister believes it is in the public interest, the minister may obtain access to the site, and for that purpose, the minister may use the powers set out in section 77 and that section applies, with any necessary modification.

(5) The site assessment must be conducted in accordance with any prescribed requirements or any requirements set out in the code.

(6) The site assessment conducted in accordance with this section must be submitted to the minister immediately after it is completed.

(7) If the minister is not satisfied with a site assessment submitted pursuant to subsection (6), the minister may direct the person who submitted the site assessment to conduct a further investigation in the manner directed by the minister.

DIVISION 4

Corrective Action Plan

Corrective action plan

14(1) If a site assessment discloses that the site is an environmentally impacted site, the person required to conduct the site assessment in accordance with subsection 13(1) shall prepare a corrective action plan that satisfies any prescribed requirements or any requirements set out in the code.

(2) The corrective action plan must be prepared within six months after completing the site assessment or any other period set by the minister.

More than one person responsible

15(1) If more than one person qualifies or may qualify as a person responsible, all persons who so qualify shall jointly prepare the corrective action plan required by section 14.

(2) The minister may assist the parties to allocate responsibility by providing mediation services and by providing the minister's views on the respective level of responsibility for each person responsible.

(3) The minister's opinion as to each person's level of responsibility provided in accordance with subsection (2) does not prevent the minister from allocating responsibility in accordance with section 56.

Minister's consideration of corrective action plan

16(1) The corrective action plan prepared in accordance with section 14 or 15 must be immediately submitted to the minister for review after it has been prepared.

(2) If the minister is not satisfied with the corrective action plan, the minister may require that the person preparing the corrective action plan resubmit it with any changes that the minister may direct.

Financial assurances

17(1) The minister shall not accept a corrective action plan that proposes risk management with future reclamation unless the responsible party provides a financial assurance that will ensure that the site is ultimately reclaimed.

(2) For the purposes of this section, the financial assurance must be in the amount and in a form that is acceptable to the minister.

(3) The minister may require a financial assurance in an amount and in a form that is acceptable to the minister for corrective action plans that propose actions different than those set out in subsection (1).

Notice of site condition

18(1) If a person responsible reclaims an environmentally impacted site in the manner set out in the corrective action plan that was submitted pursuant to subsection 16(1) and that includes any changes directed by the minister pursuant to subsection 16(2), the person responsible may apply to the minister to file a notice of site condition in the registry.

(2) A notice of site condition that is the subject of an application pursuant to subsection (1) must satisfy any prescribed requirements or any requirements set out in the code.

(3) A notice of site condition must not be filed in the registry if the site has been reclaimed only after an environmental protection order has been issued for the site.

(4) If the minister is satisfied that the notice of site condition accurately depicts the state of the site and that it complies with the requirements of this Act, the minister shall direct that the notice of site condition be filed in the registry.

Transfer of responsibility for environmentally impacted sites

19(1) Subject to subsection 20(2), responsibility for an environmentally impacted site may be transferred by a person responsible to another person if:

(a) the other person has agreed to accept responsibility for the environmentally impacted site in the prescribed manner or in any manner set out in the code;

(b) a site assessment has been conducted in accordance with any prescribed requirements or any requirements set out in the code setting out the nature and extent of the presence of the substance that may cause or is causing an adverse effect on the site and any adjacent property;

(c) a corrective action plan is prepared that satisfies any prescribed requirements or any requirements set out in the code;

(d) an estimate of the costs to carry out the corrective action plan mentioned in clause (c) has been prepared;

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- (e) the other person has agreed to undertake the corrective action plan within the time frame contemplated in the corrective action plan; and
 - (f) the other person has provided the minister with a financial assurance in the amount and in the form acceptable to the minister equal to:
 - (i) the anticipated costs of reclaiming the site; and
 - (ii) an additional contingency amount that is equal to the prescribed amount or that satisfies the requirements set out in the code.
- (2) On being satisfied that the corrective action plan mentioned in clause (1)(c) provides for an appropriate means of addressing the adverse effect on the site, the minister shall direct that the corrective action plan be filed in the registry.

Consequence of filing notice of site condition and corrective action plan

20(1) Subject to subsection (3) and to section 21, if a notice of site condition is filed in the registry in accordance with subsection 18(4):

- (a) the minister shall not require the person responsible who filed the notice of site condition in accordance with section 18 to prepare a site assessment or a corrective action plan; and
 - (b) the minister shall not issue an environmental protection order to the person responsible, the owner of the land on which the site is located or any subsequent owner of that land with respect to the reclamation undertaken as identified in the notice of site condition.
- (2) Subject to subsection (3) and to section 21, if a corrective action plan is filed in the registry in accordance with subsection 19(2):
- (a) the minister shall not require the person responsible who transferred responsibility for the environmentally impacted site to prepare a site assessment or a corrective action plan; and
 - (b) the minister shall not issue an environmental protection order to the person who transferred responsibility for the environmentally impacted site with respect to any matter set out in the corrective action plan.
- (3) Clauses (1)(a) and (2)(a) apply only with respect to the substances identified in the notice of site condition or corrective action plan, as the case may be.

Limitations on notice of site condition and corrective action plan

21(1) In this section, “**compatible use**” means a use of a site for a purpose that is not likely to cause adverse effects as a consequence of the condition of the site as set out in documents registered in the registry.

- (2) The minister may order that section 20 does not apply with respect to a notice of site condition or corrective action plan if, in the minister’s opinion, the notice of site condition or corrective action plan:
- (a) does not completely and accurately describe:
 - (i) the condition of the site before it was reclaimed and at the time when the notice of site condition or corrective action plan was filed; or
 - (ii) the reclamation activity undertaken or required to be undertaken at the site; or
 - (b) contains false or misleading information.

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- (3) The minister must comply with subsections 28(3) to (5) before issuing an order pursuant to subsection (2) and those subsections apply, with any necessary modification, for the purposes of this section.
- (4) A site with respect to which a notice of site condition or corrective action plan has been filed in the registry may only be used:
- (a) for compatible uses, including any compatible uses specified in the notice of site condition or corrective action plan; and
 - (b) in accordance with any prescribed requirements or any requirements set out in the code.
- (5) If the minister is satisfied that a site is being used in a manner contrary to subsection (4), the minister may issue, in accordance with section 56, an environmental protection order that does all or any of the following:
- (a) prohibits that use of the site;
 - (b) imposes any terms or conditions on that use of the site that the minister considers necessary in the public interest.

DIVISION 5

Registry

Registry

- 22(1)** The minister shall establish an environmentally impacted sites registry.
- (2) The registry is to contain the following documents that are accepted or received by the minister:
- (a) notices of site condition;
 - (b) corrective action plans;
 - (c) site assessments;
 - (d) environmental protection orders;
 - (e) any other prescribed documents or prescribed classes of documents.
- (3) Every person required to prepare a site assessment in accordance with section 13 shall register a notice respecting the site that satisfies any prescribed requirements or any requirements set out in the code.
- (4) Every person required to prepare a corrective action plan in accordance with section 14 or 15 shall register that plan in the prescribed format or a format that is set out in the code.
- (5) The minister shall require a person to whom an environmental protection order is issued to register a notice respecting the site that satisfies any prescribed requirements or any requirements set out in the code.
- (6) The registry is to be open for public inspection.
- (7) The minister shall provide notice of registration of a document respecting an environmentally impacted site to the municipality or municipalities in which the site is located.
- (8) The minister may charge the prescribed fees for filing documents and for inspecting documents in the registry.

Obligations of municipalities re sites that are the subject of documents in the registry

23 If a site is the subject of a document filed or registered in the registry, every municipality in which the site is wholly or partly located shall:

- (a) if that site is zoned for a purpose that is not compatible with the condition of the site as set out in the documents registered in the registry, amend the zoning to be compatible; and
- (b) not issue any building permits, licences or other permits for the site if the activity contemplated by the proposed permit is not compatible with the condition of the site as disclosed in the documents registered in the registry.

PART IV**General Rules Respecting Permits, Environmental Protection Plans and Notices****Permits required for certain activities**

24(1) Before a person carries out any of the activities listed in Table 1 of the Schedule, that person shall obtain a permit to carry out that activity.

(2) The prescribed terms and conditions respecting permits apply to the permits required by subsection (1).

Regulations and codes respecting permits

25 The Lieutenant Governor in Council may make regulations:

- (a) respecting when a person is required to obtain a permit to engage in activities regulated by this Act;
- (b) prescribing terms and conditions that apply to permits, including authorizing the minister to determine additional terms and conditions;
- (c) respecting when a person who is required to obtain a permit in accordance with clause (a) or section 24 must provide a financial assurance in the form and amount acceptable to the minister;
- (d) respecting when a person must prepare and submit for consideration by the minister an environmental protection plan to engage in activities regulated by this Act;
- (e) respecting when a person must provide the minister with a notice before engaging in activities regulated by this Act and prescribing the information that must be contained in that notice.

Minister may require or waive permits

26(1) If the minister believes there is an enhanced risk of an adverse effect occurring associated with a particular activity, the minister may require the person engaged in or proposing to engage in the activity:

- (a) to obtain a permit to carry out the activity; and
- (b) to provide a financial assurance in the form and amount acceptable to the minister.

(2) Notwithstanding any other provision of this Act or the regulations but subject to subsection (4), at the request of a person proposing to engage in an activity for which a permit is required pursuant to this Act, the regulations or the code, the minister may, in writing, waive the requirement for the permit if the minister is satisfied that:

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- (a) the person will otherwise comply with this Act, the regulations and the code;
 - (b) the person will engage in the activity in a manner that provides an equivalent or better level of safety or protection to human health and the environment to that provided by this Act, the regulations and the code; and
 - (c) it is in the public interest to do so.
- (3) The minister may impose any terms and conditions that the minister considers appropriate on a waiver granted pursuant to subsection (2).
- (4) Subsection (2) does not apply to permits required by section 24.

Minister's decision on permits and environmental protection plans

27(1) Any person who intends to obtain a permit or to have an environmental protection plan accepted shall:

- (a) apply to the minister in a form set by the minister; and
 - (b) provide the minister with any information and documents that the minister may reasonably require.
- (2) On receipt of an application for a permit, the minister may:
- (a) if the minister is satisfied that the application complies with this Act, the regulations and the code, issue the permit, subject to any terms and conditions that the minister considers appropriate; or
 - (b) refuse to issue the permit.
- (3) On receipt of an application to accept an environmental protection plan, the minister may:
- (a) if the minister is satisfied that the application complies with this Act, the regulations and the code, accept the environmental protection plan;
 - (b) if the minister is satisfied that the application complies with this Act, the regulations and the code, accept the environmental protection plan and impose terms and conditions on the environmental protection plan; or
 - (c) refuse to accept the environmental protection plan.
- (4) Before the minister acts pursuant to clause (2)(b) or clause (3)(b) or (c), the minister shall provide the person submitting the application with:
- (a) written notice of the minister's intended action and the reasons for that intended action; and
 - (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.
- (5) The minister is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (4).
- (6) Subject to subsection (7), after considering the representations mentioned in subsection (4), the minister shall issue a written decision and shall serve a copy of the decision on the person submitting the application.
- (7) In the prescribed circumstances, the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection (6).

(8) An environmental protection plan is deemed to have been accepted by the minister 45 business days after receiving the application to accept the environmental action plan unless, before the expiry of that period, the minister notifies, in writing, the person submitting the application that the minister intends to act pursuant to clause (3)(b) or (c) or that the minister requires further information or time to determine whether or not to accept the environmental protection plan.

Amendment, suspension, cancellation of permits, accepted environmental protection plans and status of qualified persons

28(1) The minister may cancel, amend, alter or suspend any permit or any accepted environmental protection plan, in whole or in part, if:

- (a) the person to whom the permit was issued or who received acceptance for the accepted environmental protection plan has failed to comply with the terms and conditions imposed on the permit or the accepted environmental protection plan;
- (b) the person to whom the permit was issued or who received an acceptance for the accepted environmental protection plan has contravened this Act, the regulations, the code or any order made pursuant to this Act or the regulations;
- (c) in the case of an accepted environmental protection plan, the person who received acceptance for the environmental protection plan has contravened the accepted environmental protection plan;
- (d) the person to whom the permit was issued or who received acceptance for the accepted environmental protection plan has made any false or misleading statement in any application, information, materials or plans supplied in support of an application for a permit or for acceptance of the accepted environmental protection plan;
- (e) the permit or acceptance was issued as a result of a clerical or administrative error or mistake;
- (f) changes or alterations are made to the activity or works that are the subject of the permit or accepted environmental protection plan without the approval of the minister;
- (g) the minister believes that, because an enhanced risk of an adverse effect exists, the minister must amend the terms of a permit or the accepted environmental protection plan to include, among other matters, the obligation on the person to whom the permit was issued or who received acceptance for the accepted environmental protection plan to provide or increase a financial assurance; or
- (h) the minister is satisfied that it is in the public interest to do so.

(2) If the minister is satisfied that it is in the public interest to do so, the minister may:

- (a) impose terms and conditions that must be met before the minister will accept any documents or written materials prepared by a qualified person; or
- (b) refuse to accept any documents or written materials prepared by a qualified person.

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- (3) Before the minister does any of the things mentioned in subsection (1) or (2), the minister shall give the person mentioned in subsection (1) or (2):
- (a) written notice of the minister's intended action and the reasons for that intended action; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the intended action should not be taken.
- (4) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (3).
- (5) After considering the representations mentioned in subsection (3), the minister shall issue a written decision and shall serve a copy of the decision on the person who made the representations.
- (6) If the minister cancels, amends, alters, imposes additional or new terms or conditions on or suspends a permit or an accepted environmental protection plan, the minister:
- (a) may issue any additional order that the minister considers appropriate requiring any repair, restoration or reclamation of the environment; and
 - (b) in an order mentioned in clause (a), shall specify the period within which the order must be complied with.
- (7) No person to whom an order pursuant to subsection (6) is directed shall fail to comply with that order.
- (8) A person to whom a permit has been issued or who received acceptance for an environmental protection plan may apply to the minister to cancel, amend or alter the permit or accepted environmental protection plan.
- (9) On receipt of an application pursuant to subsection (8) and if the minister considers it appropriate to do so, the minister may cancel, amend or alter the permit or the environmental protection plan.

Offences for Part

- 29(1)** No person to whom a permit is issued shall:
- (a) fail to comply with any term or condition imposed on the permit;
 - (b) fail to comply with any order directed to that person made by the minister pursuant to this Part or the regulations made for the purposes of this Part; or
 - (c) fail to comply with the code as it applies to the activities engaged in by that person.
- (2) No person whose environmental protection plan has been accepted by the minister shall:
- (a) fail to comply with the accepted environmental protection plan and any terms and conditions imposed on the accepted environmental protection plan;
 - (b) fail to comply with the code as it applies to the activities engaged in by that person; or
 - (c) fail to provide notice to the minister when required to do so by this Act, the regulations or the accepted environmental protection plan.

Duties imposed on qualified persons re certificates, documents and opinions

30 If a qualified person is required to provide a certificate or document required by this Act, the regulations or the code and the certificate or document certifies or provides an opinion on any matter set out in the certificate or document, the qualified person shall:

- (a) take all reasonable and prudent action to ensure that the certificate or opinion does not contain any misrepresentation;
- (b) disclose all material facts; and
- (c) comply with any professional standards applicable to the qualified person.

PART V**Protection of Water****Interpretation of Part**

31 In this Part and for the purposes of Table 1 of the Schedule:

- (a) **“bank”** means the rising ground bordering a water body or watercourse that serves to confine the water to the channel or bed;
- (b) **“bed”** means that portion of a water body or watercourse that is periodically or continuously covered by water;
- (c) **“boundary”** means the line or elevation contour surrounding a water body or watercourse where the aquatic vegetation and terrestrial plant species known to tolerate water saturated soils change entirely to terrestrial vegetation tolerating little or no soil saturation, and includes a minimum surrounding area of five metres measured outward from the top of the bank;
- (d) **“person responsible for a sewage works”** means a prescribed person or a prescribed class of persons;
- (e) **“person responsible for a waterworks”** means a prescribed person or a prescribed class of persons;
- (f) **“sewage collection works”** means that part of a sewage works that includes the collection system and pumping stations;
- (g) **“sewage treatment works”** means that part of a sewage works that modifies or holds sewage, but does not include those parts that constitute a sewage collection works;
- (h) **“water distribution works”** means that part of a waterworks that:
 - (i) includes the distribution system and pump houses; and
 - (ii) only treats water by means of chemical additions;
- (i) **“water treatment works”** means that part of a waterworks that is used to filter or condition water for the purpose of rendering water acceptable for human consumption or hygienic use.

Drinking water quality report

32(1) The minister shall annually prepare a report to be known as the State of Drinking Water Quality Report respecting the state of drinking water quality in Saskatchewan.

(2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly every report prepared by the minister pursuant to subsection (1).

Duty to provide safe drinking water

33 Every person responsible for a waterworks that is used to provide water intended for human consumption shall ensure that the water supplied by the waterworks is safe for human consumption.

Easements—sewage works

34(1) In this section:

(a) **“former Act”** means *The Environmental Management and Protection Act, 2002*, as that Act existed on the day before the coming into force of this section and includes any former *Environmental Management and Protection Act*;

(b) **“permit”** means a valid permit issued pursuant to this Act to construct a sewage works;

(c) **“permit holder”** means a person who holds a permit.

(2) If the minister is satisfied that any sewage works will adversely affect any land other than that on which those works are to be constructed or are situated, the minister shall provide a written request to the permit holder or owner of the sewage works requiring the permit holder or owner of the sewage works to:

(a) obtain from the registered owner of the other land an easement, in the prescribed form;

(b) obtain from any other person having a registered interest in the land mentioned in clause (a) a consent to the granting of the easement; and

(c) apply to the Registrar of Titles to register the easement against the titles to the affected lands.

(3) A permit holder or owner of the sewage works who has received a written request pursuant to subsection (2) shall comply with that request, and notify the minister of the registration of the easement, within the time specified by the minister in the written request.

(4) Every easement registered pursuant to subsection (2):

(a) runs with the land; and

(b) is binding on:

(i) the grantor and the grantor’s heirs, executors, administrators and assigns; and

(ii) all persons, in addition to those mentioned in subclause (i), who are interested in the land.

(5) No easement registered pursuant to this section shall be discharged without the written consent of the minister.

(6) The minister may discharge an easement registered by the minister pursuant to a similar provision of a former Act if the minister considers it appropriate to do so.

Waterworks protection order and sewage works protection order

35(1) Notwithstanding the code or the terms and conditions of any permit or accepted environmental protection plan, the minister may issue a waterworks protection order to a person responsible for a waterworks if, in the opinion of the minister, it is necessary to do so to protect human health or the environment.

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- (2) Notwithstanding the code or the terms and conditions of any permit or accepted environmental protection plan, the minister may issue a sewage works protection order to a person responsible for a sewage works if, in the opinion of the minister, it is necessary to do so to protect human health or the environment.
- (3) For the purposes of subsections (1) and (2), the minister may order the person responsible for a waterworks or sewage works to do all or any of the following:
- (a) cease or suspend the operation of the waterworks or sewage works;
 - (b) operate or maintain the waterworks or sewage works in a manner specified in the order;
 - (c) extend or alter the waterworks or sewage works;
 - (d) construct or install additional waterworks or sewage works;
 - (e) conduct investigations and gather data and other information that are specified in the order;
 - (f) maintain records and make reports that are specified in the order;
 - (g) suspend any operator of the waterworks or sewage works from that operator's duties relating to the waterworks or sewage works;
 - (h) appoint a person as project manager to oversee the operations of the waterworks or sewage works and direct the person responsible for the waterworks or sewage works to pay all costs associated with the appointment and activities of the project manager;
 - (i) take any measures other than those described in clauses (a) to (h) that the minister considers necessary to:
 - (i) facilitate compliance with an order made pursuant to this section; or
 - (ii) protect human health or the environment.
- (4) A waterworks protection order or a sewage works protection order may specify:
- (a) the method or procedures to be used in carrying out the measures required by the order and the manner in which those measures or procedures are to be carried out; and
 - (b) the period within which any measure required by the order is to be commenced and the period within which the order or any portion of the order is to be complied with.

Advisories and emergency orders

36(1) If the minister is of the opinion that water supplied by a waterworks may cause or is causing an adverse effect on the environment, the minister may:

- (a) issue a precautionary drinking water advisory; and
- (b) cause that precautionary drinking water advisory to be made public.

(2) If the minister is of the opinion that water supplied by a waterworks may cause or is causing an immediate or significant adverse effect on the environment, the minister may issue an emergency waterworks order to a person responsible for the waterworks requiring that person to do all or any of the following:

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- (a) cease or suspend the operation of the waterworks;
 - (b) take any other measure that the minister considers appropriate to protect human health or the environment.
- (3) If the minister is of the opinion that the operation of or discharge from a sewage works may cause or is causing an immediate or significant adverse effect on human health or the environment, the minister may issue an emergency sewage works order to a person responsible for the sewage works requiring that person to do all or any of the following:
- (a) cease or suspend the operation of the sewage works;
 - (b) take any other measure that the minister considers appropriate to protect human health or the environment.
- (4) An emergency waterworks order or sewage works order issued pursuant to subsection (2) or (3) expires 45 days after the day it was issued.
- (5) The minister shall serve an emergency waterworks order or emergency sewage works order issued pursuant to subsection (2) or (3) on the person to whom it is directed.

Amendment of waterworks protection orders and sewage works protection orders

37(1) The minister may amend or alter a waterworks protection order or a sewage works protection order in whole or in part, or may replace the order with a new order, if:

- (a) the person to whom the order was issued fails to perform or comply with this Act, the regulations, the code, an accepted environmental protection plan or the terms or conditions of any order issued pursuant to this Act; or
 - (b) the minister is satisfied that it is in the public interest to do so.
- (2) Before the minister takes any action pursuant to subsection (1), the minister shall give the person to whom the waterworks protection order or sewage works protection order is issued:
- (a) written notice of the minister's intention to amend, alter or replace the order, and the reasons for doing so; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the order should not be amended, altered or replaced.
- (3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).
- (4) After considering the representations mentioned in subsection (2), the minister shall provide a written decision and serve a copy of that written decision to the person to whom the waterworks protection order or sewage works protection order was issued.
- (5) If a waterworks protection order or sewage works protection order is amended, altered or replaced pursuant to this section, the minister:
- (a) may make any additional order that the minister considers appropriate requiring alterations or changes to or the closure, removal or otherwise rendering inoperable of the whole or any part of the waterworks or sewage works; and
 - (b) in any order mentioned in clause (a), shall state the period within which the order is to be complied with.

Offences under Part

- 38(1) No person shall discharge a substance, or allow the discharge of a substance, into any part of a waterworks that may cause or is causing:
- (a) the water supplied by the waterworks to be unsafe for human consumption; or
 - (b) the concentration of the substance or of any other substance in the water supplied from the waterworks to vary from the specified concentration for the substance set out in the operating permit for the waterworks or in the regulations.
- (2) No person shall knowingly operate a waterworks in contravention of the operational requirements set out in the operating permit for that waterworks.
- (3) No person to whom an order is issued pursuant to this Part shall fail to comply with the order.
- (4) Subject to subsections (5) and (6), no person shall directly or indirectly:
- (a) alter or cause to be altered the configuration of the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body;
 - (b) remove, displace or add any sand, gravel or other material from, in or to the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; or
 - (c) remove vegetation from the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body.
- (5) A person may engage in an activity mentioned in subsection (4) if expressly authorized to do so pursuant to:
- (a) this Act or the regulations;
 - (b) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
 - (c) any approval, permit, licence or order issued or made pursuant to:
 - (i) this Act or the regulations; or
 - (ii) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
 - (d) the code; or
 - (e) an accepted environmental protection plan.
- (6) Subsection (4) does not apply if:
- (a) the watercourse or water body is located wholly within the boundaries of land that is owned by or in the lawful possession of the person carrying out any activity mentioned in subsection (4); and
 - (b) the surface water of that watercourse or water body does not flow directly or indirectly, other than by percolation, into other surface water that is not located wholly within the boundaries of that land.

PART VI
Waste Management
DIVISION 1
Beverage Container Program

Interpretation of Division

39 In this Division:

- (a) **“beverage container”** means a container that is within a category of prescribed containers;
- (b) **“consumer”** means the person who purchases or acquires a beverage in a filled beverage container:
 - (i) for consumption by that person;
 - (ii) for consumption by another person at the first person’s expense; or
 - (iii) on behalf of, or as the agent for, a principal for consumption by the principal or by another person at the principal’s expense.

Obligation to pay deposit and environmental handling charge

40 The following persons shall remit to the minister responsible for the administration of *The Revenue and Financial Services Act* a prescribed deposit and a prescribed environmental handling charge:

- (a) a person who imports into Saskatchewan any filled beverage container; or
- (b) a person who, as part of a manufacturing process, fills a beverage container in Saskatchewan.

Obligation to recover deposit and environmental handling charge on subsequent sales

41 If the person mentioned in clause 40(a) or (b) is not the consumer, the person shall recover the deposit and the environmental handling charge from the person who receives the beverage container.

Remittance of deposit and environmental handling charge

42 The person mentioned in clause 40(a) or (b) shall furnish, at the prescribed times and in the prescribed manner, a return to the minister responsible for the administration of *The Revenue and Financial Services Act*.

Collection

43(1) Unless otherwise provided in this Part or in the regulations, the deposit and environmental handling charge imposed by section 40 are to be collected and remitted to the minister responsible for the administration of *The Revenue and Financial Services Act* in accordance with Part III of *The Revenue and Financial Services Act* and the regulations made pursuant to that Part.

(2) The minister responsible for the administration of *The Revenue and Financial Services Act* may enforce the collection and remission of the deposit and environmental handling charge imposed by section 40 in accordance with this Act, the regulations, Part III of *The Revenue and Financial Services Act* and the regulations made pursuant to that Part.

(3) All amounts collected pursuant to Part III of *The Revenue and Financial Services Act* with respect to deposits and environmental handling charges shall be deposited in the general revenue fund.

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- (4) For the purposes of applying Part III of *The Revenue and Financial Services Act*:
- (a) the person required to remit the deposits and environmental handling charges is deemed to be a collector within the meaning of that Part;
 - (b) this Act is deemed to be a revenue Act within the meaning of that Part; and
 - (c) the consumer is deemed to be a taxpayer within the meaning of that Part.

Refund

44(1) In this section, “**depot**” means a depot operated by a person with whom the minister has entered into an agreement for the purposes of this section.

(2) Subject to subsection (5), every person who delivers a beverage container to the operator of a depot is entitled to receive a refund respecting that container if the refundable deposit and environmental handling charge mentioned in section 40 have been paid.

(3) A refund pursuant to subsection (2) must be made to the person who delivered the beverage container to the depot.

(4) The operator of a depot may determine the maximum number of beverage containers a person may deliver within a specified period and shall post notice of that number and specified period at each depot for which that operator is responsible.

(5) The operator of a depot may refuse to pay a refund for any beverage container in excess of the maximum number.

Regulations respecting beverage containers

45 The Lieutenant Governor in Council may make regulations:

- (a) creating categories of beverage containers;
- (b) prescribing the deposit and environmental handling charge for each category of container.

DIVISION 2

Stewardship Programs**Regulations re stewardship programs for prescribed products**

46 The Lieutenant Governor in Council may make regulations respecting the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of prescribed products, including the following:

- (a) prescribing those products;
- (b) prohibiting the sale or distribution of prescribed products;
- (c) requiring the creation and operation of stewardship programs by persons who manufacture, import or sell prescribed products and requiring that those programs be approved by the minister;
- (d) setting out procedures for obtaining approval of a stewardship program;
- (e) prescribing standards for stewardship programs;
- (f) requiring participation in stewardship programs;
- (g) permitting persons to contract with other persons to fulfil their responsibilities under a stewardship program;

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- (h) respecting the establishment of a common administrator for the purposes of managing prescribed products, including:
- (i) respecting the powers and duties of common administrators and the procedures to be followed by common administrators in carrying out their powers and duties;
 - (ii) requiring prescribed products to be managed by a common administrator and requiring that municipalities and other prescribed persons be represented on the board of the common administrator, including prescribing the manner of representation;
 - (iii) requiring the common administrator to investigate recycling and waste minimization initiatives and opportunities, to co-ordinate activities between municipalities and the administrators of other stewardship programs and to engage in any other activities that the minister may direct;
- (i) respecting the establishment of a waste minimization board for the purpose of planning, co-ordinating and implementing waste minimization and recycling programs and services;
- (j) respecting the powers and duties of a waste management board and the procedures to be followed by a waste management board in carrying out its powers and duties;
- (k) requiring persons to keep records respecting stewardship programs;
- (l) authorizing the inspection of the records mentioned in clause (k);
- (m) requiring persons to prepare and file with the minister annual and other reports including prescribing the content of the reports and when the reports are to be filed;
- (n) permitting the exemption of persons from participation in stewardship programs;
- (o) requiring persons to provide to the minister security to ensure compliance with the terms of stewardship programs and prescribing the amount, form and contents of that security;
- (p) requiring the provision and posting of public and educational information and material respecting stewardship programs;
- (q) authorizing the minister to impose any other terms and conditions that the minister considers necessary respecting the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of prescribed products;
- (r) creating categories of vendors and requiring categories of vendors to accept the return of prescribed categories of reusable containers and to pay the prescribed deposit on those returns.

DIVISION 3

Solid and Liquid Waste Management

Interpretation of Division

47 In this Division, “**waste management works**” includes the following facilities and operations for the management of solid waste, liquid domestic waste, industrial waste and industrial tailings:

- (a) a prescribed category of landfills;
- (b) a prescribed category of transfer stations;
- (c) any other prescribed category of facilities.

Regulations re waste management

48 The Lieutenant Governor in Council may make regulations:

- (a) requiring municipalities to create a system for the collection of waste;
- (b) requiring municipalities, either individually or in conjunction with other municipalities, to establish a waste management works;
- (c) respecting the establishment, location and operation of waste management works;
- (d) creating categories of waste and prescribing waste or categories of waste that may not be disposed of in a waste management works;
- (e) prohibiting persons or categories of persons from disposing of waste or categories of waste in a waste management works;
- (f) respecting the manner and location of disposing of liquid domestic waste;
- (g) respecting the creation of regional waste management zones;
- (h) requiring municipalities within a regional waste management zone to establish a regional waste management authority;
- (i) requiring municipalities within a regional waste management zone and regional waste management authorities to develop and implement plans for regional waste management.

Prohibition respecting abandonment of waste

49 A person shall discard or abandon or cause to be discarded or abandoned or allow to be discarded or abandoned, any waste only:

- (a) in a waste management works for which a permit has been issued pursuant to this Act or that is operating in accordance with the code or an accepted environmental protection plan;
- (b) to an operator of a stewardship program established in accordance with section 46; or
- (c) on land owned or occupied by the person generating the waste but only if:
 - (i) the waste is generated on that land; and
 - (ii) the disposal is not prohibited by a municipal bylaw enacted by the municipality in which the land is located or by any other Act or law.

Littering prohibited

50(1) Subject to subsection (2), no person shall discard, or abandon or cause to be discarded or abandoned or allow to be discarded or abandoned, any waste:

- (a) on any land that is owned by another person or the Crown; or
- (b) into or on any water.

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- (2) It is not an offence for a person to discard or abandon, or cause to be discarded or abandoned or allow to be discarded or abandoned, any waste:
- (a) in a receptacle provided for the purpose of receiving the waste; or
 - (b) on lands or sites authorized by this Act or the regulations for the purpose of receiving the waste.
- (3) No person shall discard, abandon or dispose, or cause to be discarded, abandoned or disposed or allow to be discarded, abandoned or disposed, any hazardous substance except in a location or at a site that is permitted by this Act, the regulations or the code to receive that hazardous substance.

PART VII Air Quality

Interpretation of Part

51 In this Part and in Part VIII:

- (a) **“air contaminant”** means a solid, liquid, gas or combination of any of them in the ambient air that may cause or is causing an adverse effect;
- (b) **“ambient air”** means the air surrounding the earth but does not include the air within a structure or within any underground space;
- (c) **“greenhouse gases”** means greenhouse gases as defined in *The Management and Reduction of Greenhouse Gases Act*;
- (d) **“industrial activity”** means prescribed activity that is a source of air contaminants that may cause or are causing an adverse effect;
- (e) **“industrial source”** means a source of air contaminants that is from a prescribed category of facilities, operations or equipment.

Application of Part

52(1) Subject to subsection (3) and clauses 53(j) to (o), this Act does not apply to any greenhouse gases.

- (2) Without restricting the generality of subsection (1), this Act does not apply to greenhouse gas stored by way of geological sequestration.
- (3) This Act does apply to greenhouse gases:
- (a) during storage other than by geological sequestration;
 - (b) during transportation;
 - (c) when used as an input in an industrial process; and
 - (d) if unintentionally discharged:
 - (i) during storage, including discharge from geological sequestration; or
 - (ii) when greenhouse gases are transported or used as an input in an industrial process.

Regulations respecting air quality

53 The Lieutenant Governor in Council may make regulations:

- (a) developing or adopting ambient air quality standards or guidelines;
- (b) developing or adopting limits for emissions of air contaminants or any class of air contaminants;
- (c) establishing airshed management zones;
- (d) requiring that airshed management associations be established for each airshed management zone and respecting the composition of airshed management associations;
- (e) respecting the powers and duties of airshed management associations and the procedures to be followed by airshed management associations in carrying out their powers and duties;
- (f) prescribing classes of facilities, operations and establishments, or activities, that an airshed management association has responsibility for supervising;
- (g) requiring persons carrying on any prescribed activity in an airshed management zone, or persons running prescribed categories of facilities, operations or establishments, to participate in the airshed management zone association;
- (h) requiring that airshed management associations establish continuous air quality improvement plans that satisfy any prescribed requirements or any requirements set out in the code;
- (i) requiring that airshed management associations establish and carry out action plans when air quality fails to meet the prescribed standards or the standards set out in the code;
- (j) prohibiting or imposing conditions on industrial activities, industrial operations or industrial sources;
- (k) prohibiting the manufacture, sale, use or consumption of halocarbons for a prescribed purpose or a purpose set out in the code;
- (l) prohibiting or restricting the purchase or discharge of halocarbons except in accordance with any requirements set out in any prescribed provisions or in the code;
- (m) requiring the collection, storage, transportation, recycling and disposal of halocarbons to be carried out in accordance with any requirements set out in any prescribed provisions or in the code;
- (n) requiring that records be maintained in accordance with any prescribed provisions or any requirements set out in the code;
- (o) prohibiting any person from carrying out a prescribed activity unless that person is a qualified person;
- (p) establishing a certification program for a person to become a qualified person for the purposes of this Part.

Control order

54(1) The minister may issue a control order to any person who contravenes this Part or the regulations made for the purposes of this Part.

(2) In a control order issued pursuant to subsection (1), the minister may require the person to whom the order is directed to do any one or more of the following:

- (a) refrain from emitting an air contaminant permanently, for a specified period, during certain times or in the circumstances specified in the order;
- (b) control the emission of an air contaminant in accordance with the directions specified in the order;
- (c) comply with any directions specified in the order relating to the manner in which an air contaminant may be emitted or the procedures to be followed in the control of the emission of an air contaminant;
- (d) install, replace or alter any equipment designed to control or eliminate the emission of an air contaminant;
- (e) measure the rate of emission of an air contaminant;
- (f) measure the concentration of an air contaminant in the ambient air;
- (g) provide the minister with information, statistics or other data with respect to the operating conditions or other circumstances that have a bearing on the emission of an air contaminant;
- (h) measure or monitor the meteorological conditions that have a bearing on the dispersion of an air contaminant;
- (i) carry out studies or investigations in response to a specific air pollution problem that may cause or is causing an adverse effect;
- (j) refrain from leaking or discharging a halocarbon;
- (k) install, repair, service, replace or alter any equipment that is designed to control or eliminate the discharge of a halocarbon;
- (l) refrain from removing, repairing, servicing, replacing or altering any equipment that is designed to control or eliminate the discharge of a halocarbon;
- (m) remove or discharge a halocarbon from a container;
- (n) store a halocarbon in the manner specified in the order;
- (o) report to the minister with respect to any matter mentioned in clauses (a) to (n) in accordance with the instructions specified in the order.

(3) The minister may, by a further order, amend, alter or replace a previous control order.

(4) A person to whom a control order is directed shall comply with the order immediately on being served with the order unless the control order specifies a future day on and from which the order is to be complied with.

PART VIII
**General Rules Respecting Orders
and Terrorist Activity**

DIVISION 1
General Rules Respecting Orders

Immediate environmental protection orders

55(1) Notwithstanding any other provision of this Act, if the minister is satisfied that a person is doing any thing or carrying out any activity that may cause or is causing an immediate or significant adverse effect, the minister may issue an immediate environmental protection order that is directed to a person requiring that person:

(a) to immediately cease or suspend doing the thing or carrying out the activity identified in the order; and

(b) to do any other thing that the minister considers appropriate, including ordering that person to undertake any of the measures set out in section 56.

(2) An immediate environmental protection order issued pursuant to this section expires 45 days after the day it was issued.

(3) The minister shall cause an immediate environmental protection order issued pursuant to this section to be served on the person to whom it is directed.

Environmental protection orders

56(1) If the minister is satisfied that a substance is present at a site that may cause or is causing an adverse effect, the minister may issue an environmental protection order against a person responsible directing that person to take any measures that the minister considers necessary to remedy, minimize, mitigate or prevent the adverse effect.

(2) If there is more than one person responsible for a site, the minister may direct one or more persons responsible to pay all or a portion of the costs of those measures in accordance with the principles of responsibility set out in the code or in accordance with the prescribed principles of responsibility.

(3) The minister shall cause the measures mentioned in subsection (4) to be set out in the environmental protection order.

(4) For the purposes of subsection (1), the minister may, in an environmental protection order, require a person to whom the environmental protection order is directed to do all or any of the following:

(a) conduct a site assessment;

(b) monitor a substance;

(c) lessen or prevent further discharge of a substance;

(d) contain a substance;

(e) remove a substance;

(f) store a substance and monitor its storage;

(g) destroy or otherwise dispose of a substance;

(h) minimize the effects of a substance on the environment;

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- (i) remedy, minimize, mitigate or prevent an adverse effect;
 - (j) restore the area affected by the discharge or presence of a substance and the environment to a condition satisfactory to the minister;
 - (k) maintain records on any matter relevant to:
 - (i) the discharge or presence of a substance; or
 - (ii) the measures specified in the order;
 - (l) report periodically to the minister, a project manager appointed pursuant to section 59 or a person designated by the minister with respect to:
 - (i) any matter related to the discharge or presence of a substance; or
 - (ii) the measures specified in the order;
 - (m) cease or suspend any activity for a period specified in the order or permanently;
 - (n) take any measure, in addition to or other than one described in clauses (a) to (m), that the minister considers necessary to:
 - (i) facilitate compliance with any environmental protection order; or
 - (ii) protect or restore the environment or prevent harm to human health.
- (5) If the minister issues an order directed to a person requiring that a substance be contained or stored, the minister may subsequently issue an environmental protection order to that person to take, with respect to the substance, any of the measures described in subsection (4).
- (6) An environmental protection order may specify:
- (a) the method or procedures to be used in carrying out the measures required by the order and the manner in which those methods or procedures are to be carried out; and
 - (b) the period within which any measure required by the order is to be commenced and the period within which the order or any portion of the order is to be complied with.

Service of environmental protection order

57 The minister shall serve a copy of an environmental protection order on the person to whom the order is directed.

Process for issuing and amending environmental protection orders

58(1) The minister may amend, alter or replace an environmental protection order, in whole or in part, if:

- (a) the person to whom the environmental protection order is issued fails to comply with the terms of the order; or
 - (b) the minister considers it appropriate to do so.
- (2) Before the minister issues an environmental protection order, or takes any action pursuant to subsection (1), the minister shall give to the person to whom the order is intended to be issued or whose order is to be amended, altered or replaced:

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- (a) written notice of the minister's intended action and the reasons for that intended action; and
 - (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.
- (3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).
- (4) After considering the representations mentioned in clause (2)(b), the minister shall issue a written decision:
- (a) confirming the environmental protection order;
 - (b) amending, altering or replacing the environmental protection order; or
 - (c) revoking the environmental protection order.
- (5) The minister shall serve a copy of the decision made pursuant to this section on the person who made the representations as soon as is practicable after the decision is made.

Project manager

- 59(1)** The minister may appoint a person as a project manager to oversee the carrying out of an environmental protection order.
- (2) A project manager appointed pursuant to subsection (1) may issue written directives to any person to whom an environmental protection order is issued that, in the project manager's opinion, facilitate compliance with the measures set out in the environmental protection order.

When minister may carry out environmental protection order

- 60(1)** The minister may do all or any of the things mentioned in subsection (2) if a person on whom an environmental protection order is served fails to comply with that order:
- (a) within the period specified in that order; or
 - (b) if no period is specified in the order, within a reasonable period after the order was served.
- (2) In the circumstances mentioned in subsection (1), the minister may:
- (a) carry out the order; and
 - (b) subject to subsection (3), recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan as a debt due and recoverable by the Crown from:
 - (i) the person who failed to comply with the environmental protection order; and
 - (ii) the person obligated to pay for all or a portion of the costs associated with the environmental protection order.
- (3) The minister shall not recover any costs and expenses incurred pursuant to clause (2)(a) if, as a result of carrying out work pursuant to that clause, the minister finds that there were no adverse effects.

Power to take immediate action

61(1) The minister may take or cause to be taken any measures described in subsection 56(4) with respect to a substance or its adverse effects if:

- (a) in the opinion of the minister, it is in the public interest to take immediate action to remedy, minimize, mitigate or prevent an adverse effect; or
- (b) the minister is unable to readily identify or locate the person to whom an environmental protection order should be directed.

(2) If the minister acts in accordance with clause (1)(a), the minister may seize or make use of any privately owned equipment for the purpose of completing the required work.

(3) No person who owns equipment that the minister requires for the purposes of this section shall fail without reasonable excuse to permit the minister to use that equipment.

(4) The ministry shall pay compensation, at market rates, to any person whose private property is seized or used pursuant to subsection (2).

Recovery of minister's costs—filing of certificate

62(1) If the minister undertakes any work for the purposes of this Part and incurs any costs and expenses as a result, the minister may file in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the work or the greatest portion of the work was done a certificate that is signed by the minister and that sets out:

- (a) the amount of the costs and expenses; and
- (b) the person from whom the costs and expenses are recoverable.

(2) If the minister files a certificate pursuant to subsection (1), the minister shall serve a copy of the certificate on the person from whom the certificate states the costs and expenses are recoverable.

(3) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

(4) A person who has been served with a copy of a certificate pursuant to subsection (2) may, within 30 days after receiving the copy, make written representations to the minister requesting the minister to reconsider the amount of the costs and expenses.

(5) After considering the representations mentioned in subsection (4), the minister may:

- (a) withdraw the certificate;
- (b) vary the amount of the costs and expenses and, for that purpose, withdraw the certificate and file a new certificate with the new costs and expenses; or
- (c) confirm the certificate.

(6) The minister shall serve a copy of the minister's decision made pursuant to this section on the person who made the written representations as soon as is reasonably practicable after making the decision.

Appeals to Court of Queen's Bench re environmental protection order or certificate

63(1) Any person aggrieved by an environmental protection order may appeal the order on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the order.

- (2) The record of an appeal pursuant to subsection (1) consists of:
 - (a) the environmental protection order;
 - (b) the written representations made to the minister by the person named in the environmental protection order;
 - (c) the minister's allocation of responsibility pursuant to subsection 56(2);
 - (d) the minister's decision pursuant to subsection 58(4);
 - (e) any other prescribed documents or material; and
 - (f) any other material that the Court of Queen's Bench may require.
- (3) A person with respect to whom a certificate has been entered as a judgment pursuant to section 62 may appeal to a judge of the Court of Queen's Bench only on the grounds that the costs and expenses set out in the certificate are not reasonable.
- (4) An appeal pursuant to subsection (3) must be made within:
 - (a) 30 days after the date of service of the certificate; or
 - (b) if the person has made representations to the minister pursuant to section 62, within 30 days after the minister has issued a decision.
- (5) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
 - (a) confirming the environmental protection order or the entering of the certificate against the appellant, as the case may be;
 - (b) amending the environmental protection order or the certificate, as the case may be;
 - (c) quashing the environmental protection order or the certificate, as the case may be; or
 - (d) doing any other thing that the judge considers appropriate.
- (6) In an order issued pursuant to subsection (5), the judge of the Court of Queen's Bench may specify the period within which the environmental protection order must be complied with.

Appeal does not stay order or decision

64 An appeal pursuant to section 63 does not stay the operation of the environmental protection order with respect to which the appeal is taken, unless a judge of the Court of Queen's Bench orders otherwise.

Right to recover costs - environmental protection order

- 65(1)** Subsection (2) applies if the minister, in an environmental protection order:
- (a) requires more than one person responsible to carry out reclamation measures; and
 - (b) orders all persons responsible to pay a percentage of the costs of carrying out the reclamation measures mentioned in clause (a).

(2) In the circumstances mentioned in subsection (1), the person responsible who carried out the activities required by the minister in accordance with section 56 has a right of action against all the persons responsible mentioned in clause (1)(b) to recover, from those other persons responsible, the person's reasonable costs in carrying out the reclamation measures in the percentages set out by the minister in the environmental protection order.

(3) Any person, including a person responsible, who incurs costs in carrying out a site assessment or in preparing and carrying out a corrective action plan on an environmentally impacted site in accordance with Division 4 of Part III has a right of action to recover the person's reasonable costs from one or more other persons responsible in accordance with the principles of responsibility set out in the code or in accordance with prescribed principles of responsibility.

(4) The rights of action granted pursuant to this section are in addition to and not in derogation of any other right of action or other remedy available pursuant to law.

DIVISION 2

Terrorist Activity

Interpretation of Division

66 In this Division and in section 91, "**minister's designate**" means a person designated by the minister for the purposes of this Division.

Powers re terrorist activity

67(1) Notwithstanding any other provision of this Act or any provision of the regulations, the code, an accepted environmental protection plan, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and is causing or might cause an adverse effect:

- (a) the minister may, by order, do all or any of the following:
 - (i) direct a person engaged in the storage, handling, offering for transport or transportation of hazardous substances, hazardous wastes or waste dangerous goods to take any measures that the minister may direct to secure those operations against terrorist activity;
 - (ii) direct a person who is operating a waterworks, sewage works, industrial waste works, industrial activity or industrial source to:
 - (A) shut down and cease operating that waterworks, sewage works, industrial waste works, industrial activity or industrial source; and
 - (B) take any measures that the minister may direct to secure the waterworks, sewage works, industrial works, industrial activity or industrial source against terrorist activity;
 - (iii) prohibit or restrict access to any waterworks, sewage works, industrial waste works, industrial activity or industrial source;
 - (iv) prohibit or restrict the discharge of any substance into the environment;

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- (v) require any person to take any other action that the minister considers necessary:
- (A) to protect the health or safety of the public against that adverse effect; or
 - (B) to prevent serious damage to the environment caused or that might be caused by that adverse effect; and
- (b) the minister may take any action that the minister considers necessary:
- (i) to protect the health or safety of the public against that adverse effect; or
 - (ii) to prevent serious damage to the environment caused or that might be caused by that adverse effect.
- (2) Subject to subsection (3), a minister's designate may make any order described in clause (1)(a) if:
- (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity:
 - (A) is occurring or might occur; and
 - (B) is causing or might cause an adverse effect or constitutes a serious threat to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that adverse effect or that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the adverse effect or serious threat.
- (3) An order made by a minister's designate pursuant to subsection (2):
- (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (4) Immediately after making an order pursuant to subsection (1) or (2), the minister or the minister's designate, as the case may be, shall:
- (a) serve a copy on any person named in the order; and
 - (b) publish the order by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.
- (5) No person to whom an order made pursuant to subsection (1) or (2) is issued shall fail to comply with the order.
- (6) The minister may:
- (a) do all or any of the things mentioned in an order pursuant to subsection (1) or (2) if the person to whom the order is issued fails to comply with the order:

- (i) within the period specified in the order; or
 - (ii) if no period is specified in the order, within a reasonable period after the order was issued; and
- (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan as a debt due to and recoverable by the Crown from the person who failed to comply with the order.

PART IX

General Matters Respecting Administration, Environment Officer's Powers and Public Information

DIVISION 1

Administration and Environment Officer's Powers

Compliance audits

68(1) The minister may require that a compliance audit be conducted on a person who has a permit issued in accordance with this Act or who engages in activities that are required to be carried out in accordance with the code or an accepted environmental protection plan.

(2) The compliance audit shall be conducted at the expense of the person mentioned in subsection (1).

(3) The compliance audit must contain:

- (a) an assessment of how well the person mentioned in subsection (1) has complied with this Act, the regulations, the code or the terms and conditions of the permit or the accepted environmental protection plan; and
- (b) if the obligations imposed by this Act, the regulations or the code or the terms or conditions of the permit or the accepted environmental protection plan have not been met, an explanation for the differences between the results and those obligations, terms and conditions.

Obligation to gather and supply information

69(1) The minister may request any municipality, government agency or any person to:

- (a) collect information respecting the quantity, quality, source, use and cost of any water used by the municipality, government agency or person; and
- (b) collect information respecting matters governed by Part VI.

(2) A municipality, government agency or person to whom a request is made in accordance with subsection (1) shall supply the requested information within the period specified by the minister.

Minister may apply for compliance order

70(1) The minister may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations, the code, an accepted environmental protection plan, an order issued pursuant to this Act or the regulations or the terms and conditions of a permit;
- (b) an order enjoining any person from proceeding contrary to this Act, the regulations, the code, an accepted environmental protection plan, an order issued pursuant to this Act or the regulations, or the terms and conditions of a permit.

(2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

(3) The minister may apply for an order pursuant to subsection (1) regardless of whether an order pursuant to this Act or the regulations has been issued with respect to the matter.

Any resident may apply for an investigation

71(1) Any resident of Saskatchewan who is at least 18 years old and who is of the opinion that a contravention against this Act, the regulations or the code has been committed may apply to the minister for an investigation of the alleged contravention.

(2) A person applying for an investigation pursuant to this section shall ensure that the application is accompanied by a solemn or statutory declaration that:

- (a) states the name and address of the applicant;
- (b) states the nature of the alleged contravention and the name of each person alleged to be involved in the commission of the contravention; and
- (c) contains a concise statement of the evidence supporting the allegations of the applicant.

Minister may order investigation following application

72(1) On receipt of an application pursuant to section 71, the minister shall:

- (a) provide the applicant with an acknowledgment of the receipt of the application; and
 - (b) investigate all matters that the minister considers necessary for a determination of the facts relating to the alleged contravention.
- (2) Within 90 days after receiving an application pursuant to section 71, the minister shall report to the applicant on the progress of the investigation and the action, if any, that the minister proposes to take.
- (3) The minister may discontinue an investigation if the minister is of the opinion that the alleged contravention does not require further investigation.
- (4) If an investigation is discontinued, the minister shall:
- (a) prepare a written report describing the information obtained during the investigation and stating the reasons for its discontinuation; and
 - (b) send a copy of the report to the applicant and to any person whose conduct was investigated.

Penalty for false statements

73(1) No person shall knowingly make a false statement in an application pursuant to subsection 71(2) that, as a result, causes an investigation to be commenced.

(2) Every person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$25,000, to imprisonment for not more than 90 days or to both that fine and imprisonment.

Appointment of environment officers

74(1) The minister may appoint any persons or class of persons as environment officers for the purpose of enforcing or overseeing the enforcement of:

- (a) this Act;
- (b) *The Saskatchewan Watershed Authority Act, 2005*;
- (c) any other Act administered by the minister;
- (d) the regulations made pursuant to this Act, *The Saskatchewan Watershed Authority Act, 2005* or any other Act administered by the minister; or
- (e) any permit, approval, licence or order adopted, developed or issued pursuant to this Act, the regulations, the code, *The Saskatchewan Watershed Authority Act, 2005*, any other Act administered by the minister or any regulations made pursuant to *The Saskatchewan Watershed Authority Act, 2005* or any other Act administered by the minister.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

Deputy environment officer

75(1) The minister may appoint any persons or class of persons as deputy environment officers to carry out, without remuneration, the administration and enforcement of this Act or the regulations.

(2) The appointment of a deputy environment officer is to be for a period not exceeding two years and may be cancelled at any time by the minister.

- (3) In an appointment of a deputy environment officer, the minister shall specify:
- (a) the powers pursuant to this Act that the deputy environment officer may exercise; and
 - (b) the area of Saskatchewan within which the deputy environment officer may exercise the powers mentioned in clause (a).

General powers of environment officers

76 All environment officers have the powers of peace officers to enforce this Act, the regulations, the code and the Acts, regulations, permits, approvals, licences or orders mentioned in section 74 and are entitled, while performing their duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*.

Environment officers may be accompanied

77 In carrying out an environment officer's duties, the environment officer may:

- (a) be accompanied by any person or persons who, in the opinion of the environment officer, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to the environment officer in carrying out the environment officer's duties; and
- (b) enter on land with any machinery, equipment or materials that the environment officer considers necessary to carry out the purposes of the entry.

Audits and investigations

- 78(1) An environment officer may conduct an audit or investigation in accordance with this section.
- (2) An audit may be conducted on any person who has been issued a permit pursuant to this Act or who engages in an activity that is governed by an accepted environmental protection plan or the code.
- (3) An audit conducted pursuant to this section must contain:
- (a) an assessment of how well the person mentioned in subsection (2) has complied with this Act, the regulations, the code or the terms and conditions of the permit or the accepted environmental protection plan; and
 - (b) if the obligations imposed by this Act, the regulations or the code or the terms or conditions of the permit or the accepted environmental protection plan have not been met, an explanation for the differences between the results and those obligations, terms and conditions.
- (4) In carrying out an environment officer's duties in conjunction with an audit or investigation, the environment officer may, at any reasonable time without a warrant:
- (a) enter and inspect any area or place if the environment officer has reasonable grounds to believe that an activity governed by this Act, the regulations or the code or an Act or regulation mentioned in section 74 is taking place;
 - (b) enter and inspect any area or place for which a permit or order has been issued, or an environmental protection plan has been accepted, pursuant to this Act, the regulations or the code or an Act or regulation mentioned in section 74;
 - (c) enter and inspect any premises containing any books, records, papers or documents, including any computer, digital or electronic records, files or data, that are required to be kept pursuant to this Act, the regulations, the code, an accepted environmental protection plan or an Act or regulation mentioned in section 74; and
 - (d) enter and inspect any place to determine:
 - (i) the extent, if any, to which a substance may cause or is causing an adverse effect;
 - (ii) the cause of any adverse effect that may occur or is occurring; and
 - (iii) how the adverse effect may be prevented, remedied, mitigated, minimized or how land affected by the adverse effect may be remedied or reclaimed.
- (5) An environment officer shall not enter any place that is a private dwelling without the consent of the owner or occupant of the private dwelling or an order of a provincial court judge issued pursuant to subsection (7).
- (6) If entry pursuant to this section is refused, the minister or an environment officer may apply *ex parte* to a provincial court judge for an order authorizing the minister or an environment officer to enter and inspect any land, premises or place.
- (7) On an application pursuant to subsection (6), the provincial court judge may issue the order sought, on any terms and conditions that the provincial court judge considers appropriate.

Immediate seizure of items

79(1) Notwithstanding any other Act or law, if, while conducting an investigation, an environment officer believes on reasonable grounds that adverse effects may be created or are being created, the environment officer may seize, remove and detain any item or thing the environment officer considers necessary to stop or prevent the creation of adverse effects.

(2) An environment officer may detain an item or thing seized and removed pursuant to this section for not longer than 45 days, unless the minister directs its earlier release.

(3) If an environment officer seizes any item or thing pursuant to subsection (1), the environment officer shall provide the person from whom the item or thing was seized with a notice of the seizure in the prescribed form.

(4) The owner of an item or thing that was seized, removed and detained pursuant to subsection (1), or any person from whom an item or thing was seized, removed and detained pursuant to subsection (1), may apply to the minister for release of the item or thing before the expiry of the 45-day period mentioned in subsection (2).

(5) The minister may authorize the release of an item or thing detained pursuant to subsection (1) if the minister is satisfied that:

- (a) detention of the item or thing is no longer necessary to prevent the creation or continuation of an adverse effect; or
- (b) it is appropriate to do so.

(6) If the person from whom an item or thing was seized, removed or detained pursuant to this section is convicted of an offence pursuant to this Act, that person shall reimburse the minister for the environment officer's reasonable costs of seizing, removing and detaining the item or thing before it is released pursuant to this section.

Search of vehicle, aircraft or boat on reasonable grounds

80(1) In carrying out an environment officer's duties in conjunction with an investigation, the environment officer may:

- (a) request or signal to the person in charge of or operating a vehicle, aircraft or boat to stop the vehicle, aircraft or boat;
- (b) search the vehicle, aircraft or boat for evidence of an offence; and
- (c) seize anything that may be evidence of an offence.

(2) The person in charge of or operating a vehicle, aircraft or boat shall, when requested or signalled by an environment officer pursuant to subsection (1):

- (a) immediately bring the vehicle, aircraft or boat to a safe stop; and
- (b) permit the environment officer to search the vehicle, aircraft or boat.

Entry on land

81 An environment officer and any person or persons lawfully accompanying the environment officer for the purposes of carrying out the environment officer's duties may enter on or pass over any land, whether enclosed or not, without a warrant.

Prohibition on obstructing environment officer

82 If an environment officer and any person or persons lawfully accompanying the environment officer are carrying out the environment officer's duties, no person shall:

- (a) fail to comply with any reasonable request of an environment officer;
- (b) knowingly make any false or misleading statements to an environment officer;
- (c) unless authorized by the environment officer, remove, alter or interfere in any way with any item or thing seized, removed or detained pursuant to section 79; or
- (d) obstruct or interfere with an environment officer.

DIVISION 2

Public Information**Public information**

83(1) Subject to subsection (4), all applications, information, data, test results, reports, returns and records and responses to a direction of the minister submitted to the minister pursuant to this Act, the regulations, the code or an accepted environmental protection plan are deemed to be public information.

(2) The minister may disclose to the public any application, information, data, test result, report, return or record or response to a direction of the minister mentioned in subsection (1) at any time and in any manner that the minister considers appropriate.

(3) Subject to the regulations, a person who submits an application or any information, data, test result, report, return or record or responds to a direction of the minister pursuant to this Act may request in writing that all or any part of the application, the information, data, test result, report, return, record or response be kept confidential for a period of up to five years after the date of submission on the basis that the application, information, data, test result, report, return, record or response contains matters that:

- (a) are of a commercial, financial, scientific or technical nature; and
- (b) would reveal proprietary business, competitive or trade secret information about that person's business.

(4) A request made pursuant to subsection (3) is to be dealt with in the prescribed manner.

PART X

Offences, Enforcement and Administrative Penalties

DIVISION 1

Offences**Offences**

84(1) No person shall:

- (a) make a false statement or provide false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;
- (b) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an environment officer, the ministry or any person acting on behalf of the minister;

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- (c) fail to comply with an order of the minister issued pursuant to this Act or the regulations; or
 - (d) fail to comply with any provision of this Act, the regulations or the code.
- (2) Subject to subsection (3), every person who contravenes a provision of this Act, the regulations or the code, for which no penalty is otherwise provided, is guilty of an offence and liable on summary conviction to:
- (a) a fine not exceeding \$1,000,000 for each day or part of a day during which the offence continues;
 - (b) imprisonment not exceeding three years; or
 - (c) both that fine and imprisonment.
- (3) If a person is convicted of an offence pursuant to this Act, the regulations or the code and the court is satisfied that as a result of the commission of the offence monetary benefits accrued to the offender, the court may order the offender to pay, in addition to a fine pursuant to subsection (2), a fine in an amount equal to the court's estimation of the amount of those monetary benefits.
- (4) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Additional order from convicting court

85 In addition to or instead of any penalty imposed pursuant to this Act, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing one or more of the following:

- (a) requiring the convicted person to remove a substance in a manner and within the period specified by the order;
- (b) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;
- (c) directing the convicted person to repair, mitigate or minimize any damage to the environment that resulted from the commission of the offence in a manner and within the period specified by the order, or to restore or reclaim any property that has been damaged as a result of the commission of the offence in a manner and within the period specified by the order;
- (d) requiring the convicted person to take steps to prevent any damage to the environment that may result from the commission of the offence in a manner and within the period specified by the order;
- (e) directing the convicted person to pay to the minister an amount of money as compensation, in whole or in part, for the cost of any corrective action taken by or at the direction of the minister as a result of the commission of the offence;
- (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.

DIVISION 2
Enforcement

Vicarious liability

86 In any prosecution of a person for a contravention of this Act the regulations or the code, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

Limitation on prosecutions

87 No prosecution for a contravention of this Act, the regulations or the code is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister.

DIVISION 3
Administrative Penalty

Administrative penalty

88(1) The minister may assess a penalty in the prescribed amount against a prescribed person, or prescribed class of persons, for prescribed contraventions of this Act, the regulations, the code or an accepted environmental protection plan.

- (2) Before assessing a penalty, the minister shall provide notice to the person:
 - (a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make representations to the minister.
- (3) No penalty is to be assessed by the minister more than three years after the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.
- (4) A person to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.
- (5) Representations pursuant to subsection (4) must be made within 30 days after the person received the notice pursuant to subsection (2).
- (6) After considering any representations, the minister may:
 - (a) assess a penalty and set a date by which the penalty is to be paid in full; or
 - (b) determine that no penalty should be assessed.
- (7) The minister shall serve a copy of his or her decision pursuant to subsection (6) on the person who made the representations.

(8) The minister may file in the Court of Queen's Bench a certificate signed by the minister and setting out:

- (a) the amount of the penalty assessed pursuant to subsection (6); and
- (b) the person from whom the penalty is to be recovered.

(9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

(10) The minister may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

Appeal to Court of Queen's Bench re administrative penalty

89(1) Any person aggrieved by a decision of the minister to impose a penalty pursuant to section 88 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the minister's decision.

(2) The record of an appeal pursuant to subsection (1) consists of:

- (a) the minister's decision;
- (b) any written representations made to the minister by the person named in the decision;
- (c) the notice of motion commencing the appeal;
- (d) any other prescribed documents or material; and
- (e) any other material that the Court of Queen's Bench may require.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the penalty;
- (b) amending the amount of the penalty; or
- (c) quashing the minister's decision to assess a penalty.

DIVISION 4

Orphaned Environmentally Impacted Sites Fund

Impacted sites fund

90(1) In this section, "**fund**" means the Impacted Sites Fund established by this section.

(2) The Impacted Sites Fund is established.

(3) The minister shall administer the fund in accordance with this section.

(4) The fiscal year of the fund is the period commencing on April 1 in one year and ending on March 31 in the following year.

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- (5) Notwithstanding any other Act, the following are to be credited to the fund:
- (a) all revenue received from fines imposed in accordance with section 84;
 - (b) all revenue received from administrative penalties imposed in accordance with section 88;
 - (c) all moneys acquired through gift, donation, grant or bequest;
 - (d) all moneys appropriated by the Legislature for the purposes of the fund.
- (6) The minister may use moneys in the fund to:
- (a) reclaim, restore and remedy orphaned environmentally impacted sites, as defined in the regulations, that meet the prescribed conditions;
 - (b) satisfy the minister's costs and expenses incurred pursuant to section 62; and
 - (c) pay the expenses of administering the fund.
- (7) With respect to each fiscal year of the fund, the minister shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the Lieutenant Governor in Council:
- (a) a report on the business of the fund for the preceding fiscal year; and
 - (b) a financial statement showing the business of the fund for the preceding fiscal year, in any form that Treasury Board may require.
- (8) The minister shall, in accordance with *The Tabling of Documents Act, 1991*, lay before the Legislative Assembly each report and statement mentioned in subsection (7).
- (9) The Provincial Auditor, or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint, shall audit the accounts and transactions of the fund:
- (a) annually; and
 - (b) at any other times that the Lieutenant Governor in Council may specify.

PART XI

General

Immunity

91 No action or other proceeding lies or shall be commenced against the minister, the ministry, the minister's designate, any environment officer, any person lawfully accompanying an environment officer, a project manager, the Crown in right of Saskatchewan or officers and employees of the Crown in right of Saskatchewan for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any function or duty imposed by this Act or the regulations.

No liability for volunteers

92 Notwithstanding any other Act or law, any person who renders aid or assistance to the minister without compensation to address an orphaned environmentally impacted site, as defined in the regulations, is not liable for damages caused by that person's act or omission unless person was grossly negligent.

Service of notice or documents

93(1) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(2) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(3) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.

Emergency exemption

94(1) Notwithstanding any other provision of this Act, the regulations or the code, if, in the opinion of the Lieutenant Governor in Council, there is an emergency, the Lieutenant Governor in Council may exempt any person or class of persons from the application of all or any provision of this Act, the regulations or the code in the circumstances set out in the exemption.

(2) The Lieutenant Governor in Council may impose any terms and conditions that the Lieutenant Governor in Council considers appropriate or in the public interest on an exemption.

(3) No person to whom an exemption has been granted pursuant to this section shall fail to comply with any terms and conditions imposed on the exemption.

Appeal to Court of Queen's Bench re minister's decisions

95(1) Any person aggrieved by a decision of the minister pursuant to section 28, other than a decision made pursuant to subsection 28(9), or section 35 or 37 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the minister's decision.

(2) The record of an appeal pursuant to subsection (1) consists of:

- (a) the minister's decision;
- (b) any written representations made to the minister by the person named in the decision or by any officer or employee of the ministry respecting the decision;
- (c) the notice of motion commencing the appeal;
- (d) any other prescribed documents or material; and
- (e) any other material that the Court of Queen's Bench may require.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the decision;
- (b) amending the decision; or
- (c) quashing the minister's decision.

Crown bound

96 The Crown is bound by this Act.

Limitation period for environmental claims

97(1) In this section, “**environmental claim**” means a claim based on an act or omission that caused, contributed to or permitted the discharge of a substance that caused, may cause or is causing an adverse affect.

(2) Subsection 7(1) of *The Limitations Act* does not apply to an environmental claim.

(3) Notwithstanding section 5 of *The Limitations Act*, no proceeding shall be commenced with respect to an environmental claim after six years from the day on which the claim is discovered within the meaning of section 6 of that Act.

PART XII
Regulations

Regulations

98(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of clause 2(1)(p), prescribing a substance as a hazardous substance;
- (c) for the purposes of clause 2(1)(q), prescribing a waste as a hazardous waste;
- (d) for the purposes of clause 2(1)(bb), prescribing a class of persons;
- (e) for the purposes of clause 2(1)(gg), prescribing requirements;
- (f) for the purposes of clause 2(1)(ll), prescribing other materials as waste;
- (g) for the purposes of clause 2(1)(mm), prescribing goods as waste dangerous goods and, for that purpose, prescribing different goods as waste dangerous goods for different provisions of this Act or the regulations;
- (h) for the purposes of subsection 2(2), prescribing criteria or conditions;
- (i) designating works or classes of works as waterworks for the purposes of all or any provision of this Act and the regulations and for that purpose may designate different waterworks or classes of waterworks for different provisions of this Act or the regulations;
- (j) for the purposes of clause 3(2)(j), prescribing criteria for laboratory or analytical procedures, including authorizing the minister to approve any analytical protocols and procedures that the minister considers necessary to ensure that water is properly tested;
- (k) for the purposes of section 9, prescribing requirements respecting the reporting of discharges and discoveries of substances;
- (l) for the purposes of section 11, prescribing requirements respecting reports;
- (m) for the purposes of clause 12(2)(f), prescribing the circumstances in which the owner of a substance is a person responsible;
- (n) prescribing persons or classes of persons as persons who are responsible for a waterworks or a sewage works;
- (o) for the purposes of section 13, prescribing requirements respecting the conduct of site assessments;

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- (p) for the purposes of section 14, prescribing requirements respecting corrective action plans;
 - (q) for the purposes of section 22:
 - (i) prescribing documents or classes of documents that are to be in the registry;
 - (ii) prescribing requirements for notices respecting sites in order to register the notice in the registry;
 - (iii) prescribing the format for a corrective action plan; and
 - (iv) prescribing fees for filing documents and providing information;
 - (r) for the purposes of section 27, prescribing circumstances in which the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection 27(6);
 - (s) establishing general standards respecting the quality of water;
 - (t) for the purposes of section 34, prescribing a form of easement;
 - (u) respecting the training and qualifications of operators of industrial waste works, waterworks and sewage works;
 - (v) respecting the establishment of a certification board for the purpose of certifying operators of industrial waste works, waterworks and sewage works;
 - (w) respecting the powers and duties of the certification board established pursuant to clause (v) and the procedures to be followed by the board in carrying out its powers and duties;
 - (x) respecting the appointment of members to the certification board established pursuant to clause (v) and the terms and conditions on which they are appointed;
 - (y) prescribing and requiring the payment of any fees and charges connected with:
 - (i) the issuance or renewal of any permit required or requested pursuant to this Act or the regulations;
 - (ii) reviewing environmental protection plans required pursuant to this Act; or
 - (iii) any other action that the minister, an environment officer or any certification board established pursuant to the regulations is required or authorized to take pursuant to this Act or the regulations;
 - (z) classifying boats, barges and other watercraft and requiring that all or any class or classes of boats, barges and other watercraft, while being operated on any waters, be equipped with any storage tanks or other facilities that:
 - (i) may be designated by the minister; and
 - (ii) are designed to hold or dispose of wastes or other substances capable of causing an adverse effect;
 - (aa) prohibiting, restricting or controlling the sale, use, application and disposal of chemicals;

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- (bb) prescribing the duties of any person conducting sand or gravel removal operations, or any other kind of operations that result in the destruction or disturbance of the surface of land, with respect to conservation of the soil and the reclamation of the surface of that land, and conferring powers on the minister relating to that soil conservation and reclamation;
- (cc) controlling, restricting or prohibiting any actions of any person for the purpose of abating noise or controlling noise levels;
- (dd) regulating, restricting and prohibiting the discharge, drainage, diversion, handling, collection, containment, disposal, storage, treatment, transmission or transportation of any substance, including any substance dealt with without processing, arising from or relating to any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;
- (ee) regulating the construction, operation, maintenance, alteration or extension of facilities for the discharge, drainage, diversion, handling, collection, containment, disposal, storage, treatment, transmission or transportation of any substance arising from or relating to any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;
- (ff) respecting the issuance of permits pursuant to this Act or the regulations and the terms and conditions attached to those permits and authorizing the minister to determine those terms and conditions;
- (gg) respecting the quality for substances, including any substance dealt with without processing, arising from any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;
- (hh) respecting the closure or abandonment and the decommissioning and reclamation of any mining site or any part of a mining site and any land, watercourse, facility or infrastructure used in connection with, or disturbed by the construction, extension, alteration or operation of, a mining site, including requiring decommissioning and reclamation plans to be prepared, approved by the minister, reviewed and changed when necessary;
- (ii) respecting measures to prevent or control the discharge of substances;
- (jj) regulating and controlling the transportation of hazardous wastes and other wastes;
- (kk) regulating and controlling the storage, processing, destruction or other disposal of hazardous wastes and other wastes;
- (ll) requiring and regulating the reuse and recycling of hazardous wastes and other wastes;
- (mm) regulating and controlling the construction, operation and abandonment of facilities that store, process, destroy or otherwise dispose of hazardous wastes and other wastes, including facilities that were constructed or operated before the coming into force of this Act;
- (nn) requiring persons who handle hazardous wastes to keep records and prescribing the nature of those records;
- (oo) requiring persons who handle hazardous wastes to make reports and prescribing the nature of those reports;
- (pp) regulating and controlling hazardous wastes in any manner, in addition to those described in clauses (mm) to (oo), that the Lieutenant Governor in Council considers necessary to protect human health or safety or the environment;

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- (qq) regulating and controlling and requiring municipal approval for the storage of hazardous substances, including:
- (i) requiring persons who store hazardous substances to keep records and prescribing the nature of those records;
 - (ii) governing inspection by the minister, an environment officer, a person designated by the minister or a person designated by a municipality of premises where hazardous substances are stored;
 - (iii) prescribing containers and associated equipment used to store hazardous substances and respecting the labelling of the containers and equipment;
 - (iv) prohibiting the use of containers or any category of containers to store hazardous substances;
 - (v) prohibiting the use of any method to store hazardous substances;
 - (vi) prescribing or restricting access to premises where hazardous substances are stored;
 - (vii) controlling works designed to contain hazardous substances that are discharged in premises or discharged from premises where they are stored;
 - (viii) requiring persons responsible for the storage of hazardous substances to develop contingency plans to respond to problems related to the storage of hazardous substances;
- (rr) regulating, controlling and requiring a permit for the construction, operation, abandonment and decommissioning of facilities that store, process or handle hazardous substances, including facilities that were constructed and operated before the coming into force of any regulations made pursuant to this clause;
- (ss) regulating, controlling and requiring a permit for the manner and locations in which hazardous substances are stored;
- (tt) prescribing standards or adopting standards, as amended from time to time or otherwise, for the design, construction, alteration, extension, operation, installation, maintenance, abandonment and decommissioning of storage facilities for hazardous substances;
- (uu) prescribing the frequency of testing for leaks, and methods used to test for leaks, in storage tanks, containers, pipes and equipment that are used for hazardous substances;
- (vv) respecting the training and qualifications of persons installing, servicing, testing and decommissioning storage tanks, containers and facilities used for hazardous substances;
- (ww) respecting the establishment of a certification board for persons who install, service, test and decommission storage tanks used for hazardous substances;
- (xx) respecting the powers and duties of a certification board established pursuant to clause (ww) and the procedures to be followed by that board in carrying out its powers and duties;
- (yy) respecting the appointment of members to a certification board established pursuant to clause (ww) and the terms and conditions on which they are appointed;

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- (zz) establishing programs for pollution prevention;
- (aaa) for the purposes of section 88, respecting administrative penalties, including:
- (i) prescribing the amount of an administrative penalty and, for that purpose, may prescribe different amounts for different breaches;
 - (ii) prescribing persons or classes of persons against whom an administrative penalty may be assessed; and
 - (iii) prescribing the contraventions of this Act, the regulations, the code or an accepted environmental protection plan for which a penalty may be assessed;
- (bbb) with respect to halocarbons:
- (i) prescribing halocarbons for the purposes of Part VII;
 - (ii) identifying halocarbons, for the purposes of a provision of Part VII;
 - (iii) exempting from the application of Part VII or any provision of Part VII any halocarbon used for a specified purpose;
 - (iv) for the purposes of any provision of Part VII that prohibits any action or that requires any action to be carried out with respect to halocarbons, on and after a prescribed day, prescribing that day;
 - (v) prescribing the manner in which or the purposes for which any halocarbon may be used;
 - (vi) prescribing and governing the manner in which any halocarbon is to be collected, stored, recycled, destroyed or disposed of, and prohibiting the collection, storage, recycling, destruction or disposal of the halocarbon in any other manner;
 - (vii) respecting the training and certification of persons who install, maintain, service, alter, replace or repair equipment that contains or may contain a halocarbon in the proper recovery, recycling or handling procedures;
 - (viii) prescribing and requiring the payment of fees that are to be paid with respect to any matter that is regulated pursuant to Part VII;
 - (ix) requiring any records to be maintained and prescribing the manner in which those records are to be maintained;
 - (x) respecting and requiring the use of any labels to be placed on any equipment or thing that contains a halocarbon;
- (ccc) requiring a purchaser or transferee of a storage facility used for hazardous substances to perform environmental assessments of the storage facility and connected premises before the purchase or transfer and to report the results of the environmental assessment to the minister;
- (ddd) for the purposes of section 56, prescribing principles of responsibility;
- (eee) respecting storm water and storm water works, including prohibiting any matter or action related to storm water works and protecting the environment as it is affected by storm water and requiring the holding of a permit to do any matter or undertake any action related to storm water works and protecting the environment as it is affected by storm water;

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- (fff) for the purposes of section 83:
- (i) prescribing the manner in which a request may be made and dealt with;
 - (ii) prescribing the criteria that must be considered when deciding whether or not to keep information confidential pursuant to a request, including authorizing the minister to determine additional criteria to be considered in making that decision; and
 - (iii) establishing a right to appeal to the Court of Queen's Bench a decision made with respect to a request;
- (ggg) for the purposes of section 90:
- (i) defining orphaned environmentally impacted sites; and
 - (ii) prescribing conditions that are to be met respecting orphaned environmentally impacted sites in order to use moneys in the Impacted Sites Fund to reclaim those sites;
- (hhh) for the purposes of subsection 93(1), prescribing other means of service;
- (iii) for the purposes of section 103:
- (i) prescribing approvals, orders or permits, or classes of approvals, orders or permits; and
 - (ii) prescribing a period during which permits continued in force pursuant to that section remain in force;
- (jjj) adopting a code to be known as the Saskatchewan Environmental Code;
- (kkk) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (lll) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) The code may contain all or any of the following provisions:
- (a) provisions respecting any matter, activity or thing that is governed by this Act or that may be prescribed;
 - (b) provisions determining any criteria, terms, conditions or requirements that must be met in order to carry out any activity governed by this Act and set out in the code;
 - (c) provisions adopting a standard, including a standard developed or established by the minister, as amended from time to time or otherwise;
 - (d) provisions requiring a person to prepare and submit for consideration by the minister an environmental protection plan to engage in activities regulated by this Act;
 - (e) provisions requiring a person to provide the minister with a notice before engaging in activities regulated by this Act and to prescribe the information that must be contained in that notice.
- (3) The minister may delegate to a municipality the administration of any regulations enacted pursuant to clause (1)(qq) insofar as those regulations apply to the storage of hazardous substances within the boundaries of the municipality.

(4) Except in circumstances that are considered by the Lieutenant Governor in Council to be an emergency, the minister shall provide a reasonable opportunity for the public to be heard respecting any proposed regulation or any proposed amendment to a regulation pursuant to this Act.

PART XIII

Repeal, Transitional, Consequential and Coming into Force

S.S. 1986-87-88, c.C-12.1 repealed

99 *The Clean Air Act* is repealed.

S.S. 2002, c.E-10.21 repealed

100 *The Environmental Management and Protection Act, 2002* is repealed.

R.S.S. 1978, c.L-22 repealed

101 *The Litter Control Act* is repealed.

S.S. 1990-91, c.S-57.1 repealed

102 *The State of the Environment Report Act* is repealed.

Transitional

103(1) In this section, “**former enactments**” means *The Clean Air Act*, *The Environmental Management and Protection Act, 2002* and *The Litter Control Act*, as those Acts existed on the day before the coming into force of this Act.

(2) Subject to subsections (3) and (4), every approval, order or permit that was in force pursuant to any of the former enactments on the day before the coming into force of this section is continued in force and may be dealt with pursuant to this Act as if it were issued pursuant to this Act.

(3) Subsection (2) does not apply to any prescribed approvals, orders or permits, or prescribed class of approvals, orders or permits, that were in force pursuant to any of the former enactments on the day before the coming into force of this section.

(4) Notwithstanding any other provision of this Act, the regulations or the code or the terms of a permit, every permit that is continued in force pursuant to subsection (2) remains in force only for a prescribed period after the date that this section comes into force unless the permit is renewed pursuant to this Act.

Transitional—completion of state of the environment report

104(1) In this section, “**former enactment**” means *The State of the Environment Report Act*, as that Act existed on the day before the coming into force of this Act.

(2) The report required pursuant to the former enactment for the 2009 and 2010 calendar years is to be completed in the 2011 calendar year, and the report for each subsequent period of two calendar years is to be completed in the calendar year following the years that are the subject of the report.

Consequential amendments

105 **The provisions of the Acts set out in Table 2 of the Schedule are amended by striking out “*The Environmental Management and Protection Act, 2002*” and substituting “*The Environmental Management and Protection Act, 2009*”.**

S.S. 1994, c.P-37.1, section 2 amended

106 Clause 2(b) of *The Public Health Act, 1994* is repealed and the following substituted:

“(b) ‘**air pollution**’ means the presence in the ambient air of any air contaminant:

- (i) in a concentration greater than the permissible concentration specified in a permit or prescribed in the regulations;
- (ii) in quantities that are or are likely to:
 - (A) be injurious to the health, safety, comfort or well-being of the public;
 - (B) be injurious or damaging to property or plant or animal life; or
 - (C) interfere with normal business; or
- (iii) that has an offensive or obnoxious odour, regardless of its concentration”.

S.S. 1983, c.R-22.01, section 47 amended

107 Subsection 47(1) of *The Revenue and Financial Services Act* is amended:

(a) by repealing subclause (a)(iii) and substituting the following:

“(iii) a person mentioned in clause 40(a) or (b) of *The Environmental Management and Protection Act, 2009* who is required to furnish a return to the minister pursuant to that Act”;

(b) by repealing subclause (e)(viii) and substituting the following:

“(viii) Division 1 of Part VI of *The Environmental Management and Protection Act, 2009*”; and

(c) by repealing subclause (g)(vii) and substituting the following:

“(vii) a consumer as defined in Division 1 of Part VI of *The Environmental Management and Protection Act, 2009*”.

S.S. 2002, c.S-35.01, section 36 amended

108(1) Subsection 36(4) of *The Saskatchewan Water Corporation Act* is amended by striking out “*The Environmental Management and Protection Act*” and substituting “*The Environmental Management and Protection Act, 2009*”.

(2) Subsection 36(5) of *The Saskatchewan Water Corporation Act* is amended by striking out “*The Environmental Management and Protection Act*” and substituting “*The Environmental Management and Protection Act, 2009*”.

S.S. 1990-91, c.S-63.1, section 2 amended

109 Subclause 2(r)(vi) of *The Summary Offences Procedure Act, 1990* is repealed and the following substituted:

“(vi) an environment officer while enforcing the provisions of Division 1 of Part VI of *The Environmental Management and Protection Act, 2009*”.

Coming into force

110 This Act comes into force on proclamation.

ScheduleTABLE 1
[Section 24]

1. Operation of a Waterworks
2. Construction of a Water Treatment Works
3. Construction of a Water Distribution Works for a system serving fewer than 5,000 people
4. Operation of a Sewage Works
5. Construction of a Sewage Treatment Works
6. Construction of a Sewage Collection Works for a system serving fewer than 5,000 people

TABLE 2
[Section 105]

Act	Provision
<i>The Meewasin Valley Authority Act</i> S.S. 1979, c.M-11.1	81
<i>The Municipality Improvements Assistance (Saskatchewan) Act</i> R.S.S. 1978, c.M-30	6(a)
<i>The Northern Municipalities Act</i> S.S. 1983, c.N-5.1	109 145.08(2)
<i>The Parks Act</i> S.S. 1986, c.P-1.1	27(1)(n)
<i>The Planning and Development Act, 2007</i> S.S. 2007, c.P-13.2	130(1) 185(1) and (6)
<i>The Saskatchewan Watershed Authority Act, 2005</i> S.S. 2005, c.S-35.03	61(2)
<i>The Tax Enforcement Act</i> R.S.S. 1978, c.T-2	27(2)(d)

THIRD SESSION

Twenty-sixth Legislature

SASKATCHEWAN

B I L L

No. 121

An Act respecting the Management and Protection of the Environment, repealing *The Clean Air Act*, *The Environmental Management and Protection Act, 2002*, *The Litter Control Act* and *The State of the Environment Report Act* and making consequential amendments to certain Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Nancy Heppner
